



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 18, 2011
AGENDA DATE: July 27, 2011
PROJECT ADDRESS: 1213 Harbor Hills Drive (MST2009-00385)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Allison De Busk, Project Planner *ALD*

I. PROJECT DESCRIPTION

The project involves the assemblage and merger of six lots that were created as part of the illegal Roger's Tract subdivision (see additional information below under Background) in order to create a new 1.089-acre lot and satisfy a Conditional Certificate of Compliance. A new single family residence would be constructed on the 1.089-acre lot. In order to satisfy the conditions of the Certificate of Compliance, a lot frontage modification is required because the lot would have only 15 feet of frontage on a public street. The new house would total 4,217 net square feet with an attached 672 square foot garage. The building would be two stories and would have a maximum height of 30 feet above finished grade. The building has been designed to follow the topography of the site, and would appear as a one-story structure when viewed from Harbor Hills Drive (north elevation), and would be a full two stories (30 feet) when viewed from the south. Site development also includes a new driveway, site retaining walls, patios, barbeque and fire pit, landscaping and a spa. An existing four-foot wide pedestrian trail easement is proposed to be realigned onto the project site because the proposed driveway would conflict with the existing conceptual alignment. In order to minimize the grading required to carry out the project, the new house would be constructed on caissons. The project includes landscaping (yet to be designed) that would be consistent with the City's Fuel Management Requirements, and storm water management improvements including permeable pavement, cisterns, a catch basin, and vegetated swale with French drain. Grading would include a total of 684 cubic yards of cut and 171 cubic yards of fill, resulting in export of 513 cubic yards of soil.

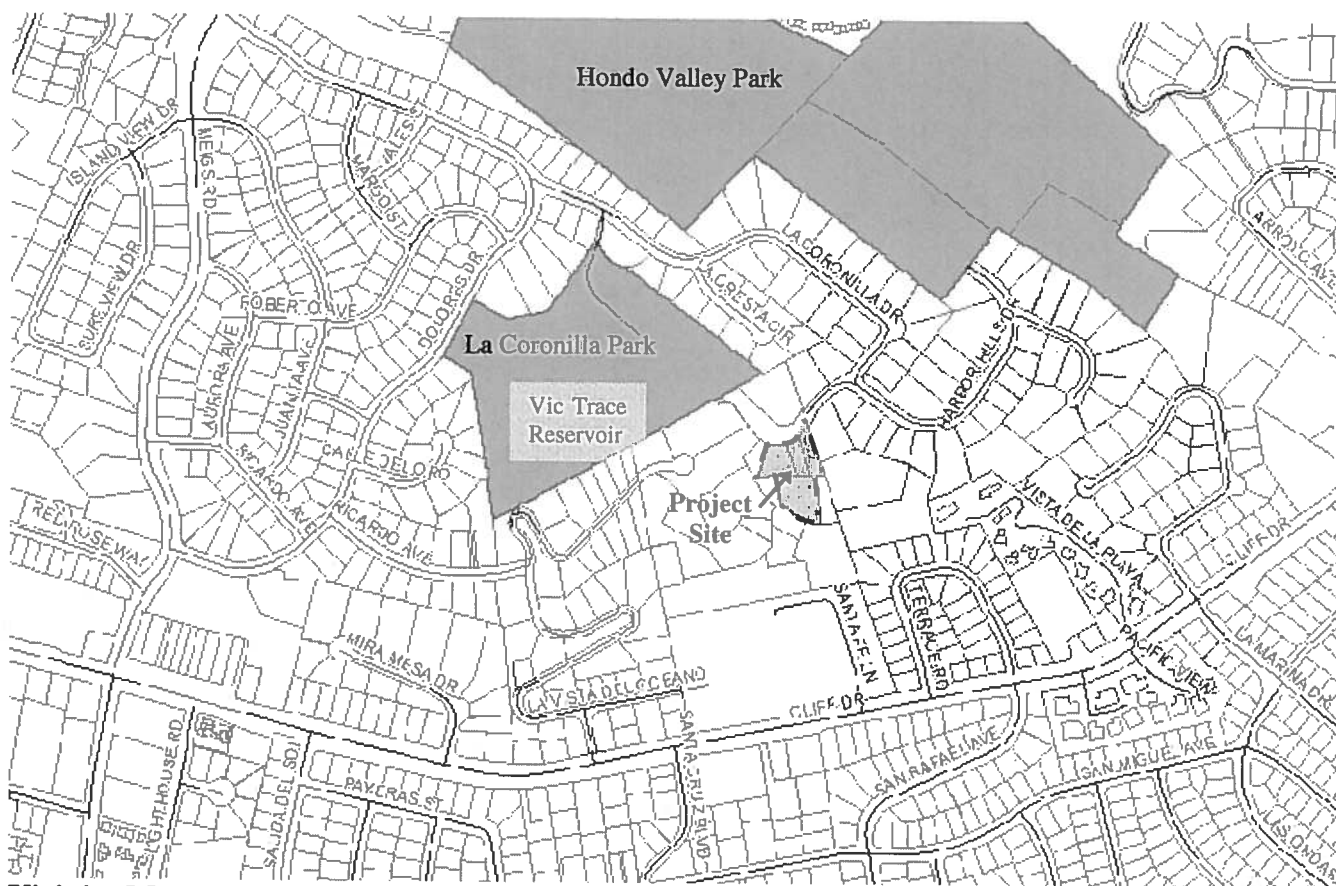
II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

1. A Modification to provide less than the required 90 feet of frontage on a public street in the E-1 Zone (SBMC §28.15.080; §28.92.110.A.2).

III. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map - 1213 Harbor Hills Drive

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

January 28, 2011

July 28, 2011 to adopt the MND (must approve/
deny project within 60 days of MND adoption)

IV. BACKGROUND

The subject property is located within the Rogers Tract, which originated from a survey recorded in 1929. The Rogers Tract was subdivided by a series of deed conveyances between 1929 and the late 1950s. In 1979, the Planning Commission determined that the undeveloped Rogers Tract lots, including each of the six subject lots, were illegally subdivided.

Lots with development permitted prior to the Planning Commission's 1979 action (including the 107 unit SHIFCO senior housing development) were entitled to Certificates of Compliance. Since 1979, the following projects have been approved: a single family residence at 1218 Harbor Hills Drive

(Javid, 1989), a lot line adjustment between 1218 and 1224 Harbor Hills Drive (Javid, 2005), and the development known as The Mesa at Santa Barbara (The Mesa, 2004). Information on these developments is provided in Exhibit H.

More recently, on July 12, 2007, the Planning Commission denied a proposal on the Spittler property immediately south of the subject lot for a General Plan Amendment to change the density to 12 units per acre, and Zone change from E-1 to R-2, to allow eight market rate residential units and four affordable units on the 44,600 sq. ft. site (16% slope). At the February 26, 2008 appeal hearing, City Council voted (4-3) to initiate a Zone Change to R-2 and a General Plan Amendment to change the designation to 5 units per acre on that property. No activity has occurred since, and the lot is currently developed with a single-family residence.

Multiple parcels from the original 1929 survey remain vacant. Exhibit I shows the location of the vacant parcels. Please note that six vacant parcels [Javid (1224 Harbor Hills), Booth (2 parcels), Mesa LLC, Clenet and Gathercole] are contiguous with the subject property, which is also vacant and shown with a star on the figure.

Conditional Certificate of Compliance

In accordance with the State Subdivision Map Act (Map Act), the City issued a Certificate of Compliance for the subject property in May 2009. The Map Act provides that a local agency can impose conditions from local ordinance that would have been applicable to the division of property at the time the applicant acquired interest in the property. Conditions included in a Conditional Certificate of Compliance are required to be fulfilled prior to issuance of any permit or grant of approval for development on the property. A copy of the Conditional Certificate of Compliance for 1213 Harbor Hills is included as Exhibit E. The relevant conditions in this case are the zoning requirements that the property shall be combined or added to as necessary to comply with the lot area requirements of the E-1 Zone for a newly created lot (a minimum of 45,000 sq. ft. for a lot with an average slope greater than 30%) and that a minimum 90 feet of public street frontage shall be provided. The lot frontage modification is being requested because the property does not meet that zoning requirement.

On June 5, 2008 the Planning Commission conceptually reviewed a proposal to create two lots of 30,261 sq. ft. and 33,961 sq. ft. from eight Rogers Tract lots (of which 6 are part of the subject application) and develop a single-family residence on each lot (home size of 4,200 sq. ft. and 3,200 sq. ft., respectively). The required lot areas were 45,000 sq. ft. each based on an average slope of 41%. The proposal would have required a Tentative Subdivision Map, two lot area modifications, two modifications of street frontage requirements, and two public street frontage waivers. The consensus of the Planning Commission was that the lot area modifications were not supportable in that instance, but that a project with a single house on the eight parcels would be supportable. Minutes from that hearing are included as Exhibit F.

On January 21, 2010, the Planning Commission and Staff Hearing Officer held a joint concept review hearing for a lot area modification and street frontage modification on six Rogers Tract parcels to create a lot of 44,479 sq. ft. where 45,000 sq. ft. was required. The project site had an average slope of 38.9%. A majority of Commissioners stated that they could not support the Lot Area Modification because they could not make the findings for approval. The Commission was split on the Street

Frontage Modification with concern remaining for the slope of the lot; some Commissioners could support it in the future with a reduced size residence because of the visibility of the site and the steep topography of the hillside. Minutes from that hearing are included as Exhibit G. As a result of that hearing, the applicant changed the lots involved in the Conditional Certificate of Compliance to achieve the required 45,000 sq. ft. minimum lot area, which resulted in the application currently under review.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Jarrett Gorin, AICP; Vanguard Planning LLC		Property Owner(s): Sharon Clenet-Purpero and Anthony Purpero, and Gathercole LLC
Parcel Number:	6 lots (see below)	Total Lot Area: 47,445 sq. ft. (1.089 acres)
Lot 118	035-480-037	8,349 sq. ft.
Lot 119	035-480-037	9,321 sq. ft.
Lot 121	035-480-037	9,288 sq. ft.
Lot 122	035-480-039	7,168 sq. ft.
Lot 123	035-480-040	6,648 sq. ft.
Lot 124	035-480-041	6,671 sq. ft.
General Plan: Residential, 3 units per acre		Zoning: E-1 One Family Residential
Existing Use: vacant		Topography: steeply sloping to the south (41% average slope)
Adjacent Land Uses:		
North - Residential		East - Residential
South - Residential		West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	N/A	4,217 sq. ft.
Garage	N/A	672 sq. ft.
Accessory Space	N/A	0
FAR	N/A	10.3% (97% of max. Guideline FAR)

VI. ISSUES

Staff had previously expressed concern to the applicant that the extent of the proposed development (size and location of house and garage) was not appropriate for this steep hillside lot based on inconsistency with the General Plan (see Section VII.B below) and Single Family Design Guidelines. Since that time, the applicant has reduced the building footprint by attaching the garage to the house and eliminating the pool, although the size of the house has not been reduced. As discussed below (Sections VIII Design Review and IX Environmental Review, respectively), the Single Family Design Board found that the project was consistent with their guidelines, and the Initial Study found that the project has no significant unmitigable environmental impacts associated with visual or geologic resources.

VII. ZONING AND POLICY CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Proposed
Setbacks		
-Front	30 feet	> 30 feet
-Interior	10 feet	> 18 feet
Building Height	30 feet	< 30 feet
Parking	2 covered (max. garage size is 750 sq. ft.)	3-car garage (garage is 672 sq. ft.)
Lot Area Required	45,000 sq. ft. (based on slope of more than 30%)	47,445 sq. ft. (slope of 41%)
Lot Frontage Required	90 feet on a public street	15 feet*
Open Yard	1,250 sq. ft., including a flat area at least 160 sq. ft. with least 10'x10' dimensions and < 2% slope	Significantly more than 1,250 sq. ft., and contains a flat patio area > 160 sq. ft.
Lot Coverage		
-Building	N/A	3,350 sq. ft. 7.1%
-Paving/Driveway	N/A	4,180 sq. ft. 8.8%
-Landscaping	N/A	39,915 sq. ft. 84.1%

*Modification requested

The proposed project would comply with the requirements of the E-1 Zone, with the exception of lot frontage. If the lot frontage Modification is approved, then the project would be consistent with the Zoning Ordinance.

Lot Frontage Modification

The E-1 Zone requires that each lot have 90 feet of frontage on a public street. The project site has only 15 feet of frontage on Harbor Hills Drive. The Zoning Ordinance provides that a street frontage modification may be granted by the Staff Hearing Officer if the modification is found to be consistent with the purposes and intent of the Zoning Ordinance, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

Access to the site would be provided with a private driveway that takes access from Harbor Hills Drive. The project site contains slopes that prohibit the extension of the public street to the subject property. Due to the steep slopes and the lack of potential street connection, staff is supportive of the lot frontage modification in this instance in order to secure an appropriate improvement on the lot and to prevent unreasonable hardship. Additionally, there are a few other lots in the vicinity that do not have frontage on a public street and take access via a driveway to the public street, so this configuration would be similar to other development in the area.

B. GENERAL PLAN CONSISTENCY

Although no General Plan consistency findings are required to approve the modification, the General Plan provides guidance with regard to the appropriateness of the proposed development. The General Plan Land Use Designation for these lots is Residential, three dwelling units per acre. With a proposed lot size of 1.089 acres, and proposed construction of one single-family residence, the project is consistent with its General Plan Land Use Designation.

The project site is located in the Alta Mesa neighborhood, which is bordered by Loma Alta Drive on the east; Elings Park on the west; by the existing development oriented to Cliff Drive on the south; and by the base of the steep hillside on the north. This neighborhood is almost entirely zoned E-1, requiring lot sizes of 15,000 square feet. In the past, minimum lot sizes were smaller than the current E-1 requirements and the development trend created lots that were, in many cases, too small for the topography. Improved regulations effecting grading and lot size (Slope Density Ordinance, adopted in 1975) alters this situation so that appropriate development will take place on the remaining vacant land.

The site is located on steep, south-facing hillside with a generally uniform 41% slope. The General Plan's Conservation Element contains several policies intended to protect the City's hillsides and open spaces (refer to Exhibit J for complete text of all applicable General Plan policies).

Older subdivisions in the area to the southeast have lot sizes ranging between 10,000 square feet to 1.4 acres. Older subdivisions to the north and west have lot sizes ranging from 8,000 square feet to 24,700 square feet. In order to regulate and limit residential development in

hillside areas, the City's Slope Density Ordinance (adopted in 1975) requires that minimum lot sizes be increased based on the slope of the property.

VIII. DESIGN REVIEW

In August 2005, prior to the formation of the Single Family Design Board (SFDB), the Architectural Board of Review (ABR) conceptually reviewed a new 4,350 sq. ft. single-family residence on a similar project site (included two additional lots). At that review, ABR members expressed concern with the height of proposed retaining walls and the breadth and scale of the building as seen from Cliff Drive. ABR members also recommended changes to the siting of the building.

The current proposal was reviewed by the SFDB on two separate occasions (meeting minutes are provided as Exhibits to the Initial Study for reference). On August 2, 2010, the SFDB stated that they liked the architectural style, and requested that the applicant study the apparent height and provide additional section drawings, study reducing the massing of the central element on the upper level, and return with a higher level of detailing and information, including retaining walls and information on colors and conceptual landscaping. On August 30, 2010, the SFDB continued the project to the Staff Hearing Officer with the following comments: 1) The architecture is exemplary and the breaking into facets provides a sense of village, 2) Provide a landscape plan, which will mitigate views of the structure from Shoreline Park, and 3) Provide larger scale conceptual grading plans showing retaining wall heights and slopes.

Since the SFDB reviewed the project, the design and details have changed slightly in response to staff and neighbor concerns. Due to staff concerns, the previously detached garage has been attached to the house, and the previously proposed pool has been removed. These changes were made in order to reduce the overall building footprint and its associated fuel management area, and minimize the need for retaining walls.

In response to concerns raised by a neighboring property owner, the following changes have been made: 1) the proposed driveway has been widened to 16 feet throughout (previously it had narrowed to 14 feet approximately 80 feet from the end of Harbor Hills Drive), 2) the retaining wall on the northern side of the driveway has been moved approximately four feet to the north in order to accommodate the wider (16-foot) driveway, 3) the retaining wall and steps at the end of the driveway have been eliminated and the retaining wall has been extended approximately 50 feet to the west instead, 4) the drainage outlet has been extended from the center of the Gaylord Drive easement to the southerly edge of the easement. These changes were made to address a neighbor's concerns regarding drainage and precluding future development due to inadequate access.

The changes that have been made since the SFDB's review in August 2010 have a very minor impact on the aesthetics of the house itself, and staff believes that the benefit of a reduced area of disturbance is of greater importance on this steep hillside.

IX. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. A Draft Initial Study and Mitigated Negative Declaration (MND) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: biological resources, geophysical resources and hazards. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with aesthetics, air quality and geophysical conditions.

The Draft MND was available for public review from June 3 to June 23, 2011. Two comment letters were received. A public hearing was not held because one was not requested by the public. The primary environmental concerns raised by the commentors were related to air quality and geophysical conditions. These issues are addressed in the Response to Comments section of the proposed Final MND (Exhibit L of the Initial Study (part of Exhibit D of this staff report)), and minor revisions to the Initial Study text have been made to those two sections.

The Final MND analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final MND.

Aesthetics: The proposed project would have a less than significant impact on scenic views, and the impacts to on-site aesthetics and lighting would be less than significant.

Air Quality: The proposed project impacts related to the Clean Air Plan, long-term (area source and operational) emissions, short-term (construction) emissions, global climate change, cumulative emissions, and odors would be less than significant. Recommended mitigation measures would further reduce adverse but less than significant impacts associated with nuisance dust and diesel particulate matter.

Biological Resources: The proposed project would have no impact on trees or wetland habitat. Project impacts related to rare/endangered species or their habitats, natural communities, and wildlife dispersal or migration corridors would be potentially significant, mitigable. The site contains coastal sage scrub habitat that would be impacted by fuel modification requirements. Mitigation to provide an environmentally sensitive approach to fuel management (by requiring selective thinning rather than complete removal of scrub habitat, and use of native plants as appropriate) would reduce this long-term impact to a less than significant level.

Short-term construction impacts on migratory birds are considered potentially significant, mitigable. Mitigation to avoid the bird nesting season, or alternatively, to conduct a pre-construction survey to ensure there are no nesting birds, would ensure construction impacts are less than significant.

Cultural Resources: The proposed project would have not impacts related to archaeological, historical, ethnic or religious resources.

Geophysical Conditions: The proposed project impacts related to fault rupture, ground-shaking, liquefaction, landslides and expansive soil would be less than significant. There

would be no impacts related to seiche or tsunami. Impacts associated with geologic or soil instability (adverse bedding planes) would be potentially significant, mitigable through observation of cut slopes by an engineering geologist with remedial action (e.g. more gradual cut slope of changes to retaining wall design) to be implemented as appropriate.

Due to the project site's steep slope, there is potential for significant grading and erosion if the identified project design (using caissons) is not implemented. Mitigation to require compliance with the recommendations of the soils report and to implement a Fuel Management plan that minimizes irrigation on the slope would reduce this to a less than significant level.

Additionally, to ensure that grading and erosion issues are not created by changes to the proposed project, mitigation measures are recommended that require that changes to the foundation design, grading or the storm water management plan will require review and approval by the City.

Hazards: The proposed project impacts related to hazardous substances, creation of health hazards, and fire hazard would be less than significant. Project impacts related to exposure of people to health hazards, in this case radon, is a potentially significant, mitigable impact. Mitigation to require the incorporation of below-slab ventilation into the house design will reduce this to a less than significant level.

Noise: The proposed project impacts related to long-term (operational) and short-term (construction) noise would be less than significant.

Population and Housing: The proposed project impacts related to growth would be less than significant. The project would have no impact related to housing displacement.

Public Services: The proposed project impacts related to fire protection, police protection, schools, public facilities, roads, other governmental services, electric power or natural gas, water treatment or distribution facilities, sewer, water distribution/demand, and solid waste generation and disposal would be less than significant.

Recreation: The proposed project impacts related to recreational demand would be less than significant. The project would have no impact on recreational facilities.

Transportation and Circulation: The proposed project impacts related to traffic, access and evacuation, and pedestrians/ bicyclists/public transportation would be less than significant. The project would have no impact on safety or congestion management plans.

Water Environment: The proposed project impacts related to permeability, drainage, surface water quality and ground water quality would be less than significant. The project would have no impact related to water-related hazards such as flooding.

The proposed Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA and prior to approving the project, the Staff Hearing Officer must consider the Final Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision maker is required to make the mitigation measure a condition of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance

during project implementation. The mitigation measures described in the proposed Final MND have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final MND.

It should be noted that some project details have changed slightly from the version analyzed in the Final MND. These changes were made in response to a neighbor's concerns, and are outlined in the next-to-last paragraph of the Design Review section above. The proposed changes would have no impact on the environmental analysis contained in the Final MND.

X. FINDINGS

The Staff Hearing Officer finds the following:

A. THE FINAL MITIGATED NEGATIVE DECLARATION

1. The Staff Hearing Officer has considered the proposed Final Mitigated Negative Declaration, dated July 11, 2011 for the 1213 Harbor Hills Drive Project (MST2009-00385), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Staff Hearing Officer's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated July 11, 2011, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to

defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

B. LOT FRONTAGE MODIFICATION (SBMC §28.92.110)

A modification of the lot frontage is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot. Due to the steep slopes and the lack of potential street connection, the potential to create a lot with frontage on a public street does not exist, as discussed in Section VII of the staff report.

Exhibits:

- A. Conditions of Approval
- B. Project Plans
- C. Applicant's letter, dated July 11, 2011
- D. Final Mitigated Negative Declaration (Exhibits A, B and D-K of the Initial Study were previously provided as part of the DMND, and are available on the City website)
- E. Conditional Certificate of Compliance
- F. Planning Commission Minutes, June 5, 2008
- G. Joint Planning Commission/Staff Hearing Officer Meeting, January 21, 2010
- H. Permitted Surrounding Development
- I. Vacant Parcel Ownership Exhibit
- J. Applicable General Plan Policies

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1213 HARBOR HILLS DRIVE
LOT FRONTAGE MODIFICATION

JULY 27, 2011

I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
2. Obtain all required design review approvals.
3. Record any required documents (see Recorded Conditions Agreement section).
4. Pay Land Development Team Recovery Fee at time of submittal of the first Building Permit or Public Works Permit application associated with this project.
5. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements as outlined in the Conditional Certificate of Compliance, recorded 8/17/09 as Instrument Number 2009-0050328.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on July 27, 2011 is limited to one dwelling unit of approximately 4,217 square feet with an attached 672 square foot garage on a 1.089-acre lot and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans (those areas outside the Development Envelope) in order that those portions of the Real Property remain in their natural state. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines, with the exception of stormwater management improvements identified on the plans and implementation of the Fuel Management Plan. The restricted areas shall be shown on the landscape plans.

The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment and in accordance with the approved Fuel Management Plan. [VIS-1]

3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) including High Fire Hazard Area Landscape Requirements. Such plan shall not be modified unless prior written approval is obtained from the SFDB and the Fire Department. The landscaping on the Real Property shall be provided and maintained in accordance with said Landscape Plan, including any tree protection measures and irrigation requirements. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall inspect and maintain the post-construction drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
7. **Pesticide or Fertilizer Usage Near Drainage.** The use of pesticides or fertilizer shall be prohibited outside the Development Envelope.
8. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged

or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Staff Hearing Officer land use conditions have been satisfied.

1. **Fuel Management / Landscape Plan.** The following strategies for an environmentally sensitive vegetation management approach shall be incorporated into the required Fuel Management / Landscape Plan, consistent with the City's High Fire Hazard Area Landscape Requirements. This Plan shall be reviewed and approved by the City's Environmental Analyst and Fire Department prior to Project Design Approval by the Single Family Design Board.

Zone 1 (0-30 feet from structures) – Shall remain free of non-irrigated, woody vegetation. All vegetation within 30 feet of the residence and other structures shall be moisture retaining irrigated groundcover, shrubs, and/or trees.

Zone 2 (30-50 feet from structures) – Shall be landscaped with fire resistant, drought tolerant, deep-rooted, irrigated plants. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses are mowed elsewhere. Remove non-irrigated ladder fuels and deadwood annually.

Zone 3 (50-70 feet from structures) – Shall be landscaped with fire resistant, drought tolerant, deep-rooted, native irrigated plants. Irrigation is required to establish and maintain vegetation, but minimal irrigation should be provided given slope and erosion concerns. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses are mowed elsewhere. Existing native shrubs shall remain, but be thinned to 15-foot centers with roots left intact. Remove non-irrigated ladder fuels and deadwood annually.

Zone 4 (70-100 feet from structures) – Vegetation shall remain and be treated every 3 to 5 years to remove deadwood and up to a total of 50% cover. Roots shall be left intact. No irrigation should be located in this zone.

The Fuel Management / Landscape Plan shall include, to the maximum extent permitted by the Fire Department, the following:

- Maintenance of existing coastal sage scrub to the maximum extent feasible consistent with Fire Department requirements.
- Native, drought-tolerant and deep-rooted vegetation.

- Temporary, rather than permanent, irrigation to establish new landscaping. Any approved temporary irrigation must be removed once plants have established themselves.
- Non-irrigated plantings in Zone 4 to the extent allowable.
- Plant spacing at such a distance that plants at maturity will not require frequent pruning.
- Plant species shall be chosen based on a preference for plants that will not require frequent maintenance such as pruning.

[BIO-1]

2. **Appropriate Plants on Steep Slope.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the steep slope.
 3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the steep slope shall be kept to the minimum necessary for plant survival in accordance with the approved Fuel Management Plan.
 4. **Pedestrian Pathway.** The pedestrian easement shall be differentiated from the driveway through use of a different paving material, pattern or color.
 5. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
 6. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans, as identified in condition D.1.e "Harbor Hills Drive Public Improvements," shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

- b. **Dedication(s).** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

(1) A four-foot wide pedestrian trail easement.

- c. **Water Rights Assignment Agreement.** The Owner of the Real Property shall execute and submit an *Agreement Assigning Water Extraction Rights* in a form approved by the City Attorney, irrevocably offering to dedicate and assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property, which may be subsequently accepted by the City Council of the City of Santa Barbara by adoption of a resolution of the Council and the subsequent recordation of the resolution in the Official Records of the County of Santa Barbara. Engineering Division Staff prepares said agreement for the Owner's signature.

- d. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- e. **Harbor Hills Improvement Plans.** Public Improvement plans shall be submitted for Harbor Hills Drive, as outlined in the Conditional Certificate of Compliance recorded as Instrument Number 2009-0050328. The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage of Harbor Hills Drive. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California in a form to be reviewed and approved by the Santa Barbara City Engineer.. *As determined by the City Public Works Department, the public street improvements shall include, but not be limited to, new alley entrance; replace curb gutter and sidewalk where damaged; street light with underground wiring; appropriate directional*

and regulatory traffic control devices per MUTCD w/CA supplements during construction; connection to City sewer and water, adequate drainage and storm drain improvements; and slurry seal or other required repair of existing public street as identified by Public Works. Any work in the Rights-of-Way requires a separate Public Works permit.

- f. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- g. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements (Not a subdivision)*, prepared by the Engineering Division.
- h. **Engineers Estimate.** Owner shall submit an Engineer's Estimate, wet signed and stamped by a Civil Engineer registered in the State of California, and shall submit securities for construction of improvements as outlined in the Subdivision Map Act, Chapter 27 of the Municipal Code, and the Green Book for Public Works construction.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Lot Merger Required.** In order to comply with the conditions of the Conditional Certificate of Compliance recorded 8/17/09 as Instrument Number 2009-0050328, the Real Property known as APN 035-480-037, APN 035-480-039, APN 035-480-040 and APN 035-480-041 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
- c. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.

- (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of weekly reports during grading, excavation, and site preparation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- d. **Radon.** Any structures constructed for human habitation should incorporate adequate ventilation to allow any naturally occurring radon gas emissions to ventilate, rather than accumulating indoors. Information on construction measures intended to reduce radon accumulation indoors shall be provided to the Building and Planning Divisions as part of construction drawings prior to issuance of a building permit. [H-1]
- e. **Soils Report.** The project shall comply with the recommendations of the Foundation Exploration prepared for the site by Coast Valley Testing, Inc, dated March 11, 2008 and the Update by same dated October 13, 2010. Submit to the Building and Safety Division a copy of these reports and any applicable or appropriate revisions/amendments and implement the recommendations outlined in the report. [GEO-2]
- f. **Caissons and Grading.** The foundation design for any new residence on the project site shall utilize caissons to minimize grading and erosion on site. Any changes to this proposed design or the addition of significant amounts of grading will require additional environmental analysis. [GEO-3]
- g. **Stormwater Management.** Any changes to the approved Storm Drainage and Hydrology Report prepared by Mike Gones and dated October 2010 must be reviewed and approved by a geologist to ensure that there are no adverse impacts related to erosion. [GEO-4]
- h. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- i. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting

Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.

- j. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____ Property Owner		_____ Date
_____ Contractor	_____ Date	_____ License No.
_____ Architect	_____ Date	_____ License No.
_____ Engineer	_____ Date	_____ License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor's and Project Environmental Coordinator's (PEC) names, contractor's and PEC's telephone numbers, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six square feet.
2. **Avoidance of Bird Nesting Season.** Removal of coastal sage scrub, and any trees if applicable, should take place outside of the breeding bird season (February 1-August 15). If these activities can not feasibly be avoided during the breeding bird season, the applicant shall submit a contract with a qualified biologist to conduct a survey of all areas within 300 feet of the shrub removal area to determine presence and behavior of birds, raptors, and other sensitive species. The surveys should occur no more than 7 days prior to any project operations. In the event that any sensitive wildlife species, raptors, or other birds exhibit reproductive or nesting behavior, development activities shall be halted until the contract biologist and City Environmental Analyst have determined that sufficient measures have been taken to avoid impacts to nesting or breeding birds or sensitive species. These measures are likely to include postponement of work within 300 feet from the nest (could be larger for some species) until nests are vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. [BIO-2]

3. **Grading.** Any cut slopes created during grading activities shall be observed by an engineering geologist to determine if adverse bedding planes exist onsite. If adverse bedding planes are observed during grading operations, remedial actions, including, but not limited to retaining walls or cut slopes, shall be recommended at that time. [GEO-1]
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
6. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
7. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve

minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. [AQ-1]

8. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. [AQ-2]
9. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access point to prevent tracking of mud onto public roads. [AQ-3]
10. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. [AQ-4]
11. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.[AQ-5]
12. **Construction Dust Control – Surfacing.** All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. [AQ-6]
13. **Stockpiling.** If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. [AQ-7]
14. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons

shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. [AQ-8]

15. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. [AQ-9]
16. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. [AQ-10]
17. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. [AQ-11]
18. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. [AQ-12]
19. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. [AQ-13]
20. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. [AQ-14]
21. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. [AQ-15]
22. **Portable diesel equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. [AQ-16]
23. **Mobile construction equipment.** Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm. [AQ-17]
24. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during grading, excavation, and site preparation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.

25. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.

3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
4. **Final Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$2,044.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of first building permit application associated with this project.
5. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby

agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

1. CAISSONS SHOWN (") ARE CONCEPTUAL ONLY AND WILL VARY IN DEPTH FROM 15'-25'.
2. NUMBER OF CAISSONS WILL DEPEND ON FINAL STRUCTURAL ENGINEERING BUT AT CURRENT TIME IS ESTIMATED TO BE APPROX. 36.
3. AVERAGE SLOPE OF THE AREA WITHIN THE PROPERTY LINES AFFECTED BY PROPOSED CONSTRUCTION = 35%. THIS INCLUDES AN AREA WITHIN 5' OF THE BLDG'S FOOTPRINT. SEE SHEET C.2.

[illegible][illegible]

1000 Calle Arroyo
San Jose, CA 95128
408/299-1828
Steve A. Sullivan, AIA
Mark B. Dinklage, AIA
Trevor D. Carter, AIA

CLENET PURPERO RESIDENCE

1501 Hudson Ave. Suite
Berkeley, CA 94708

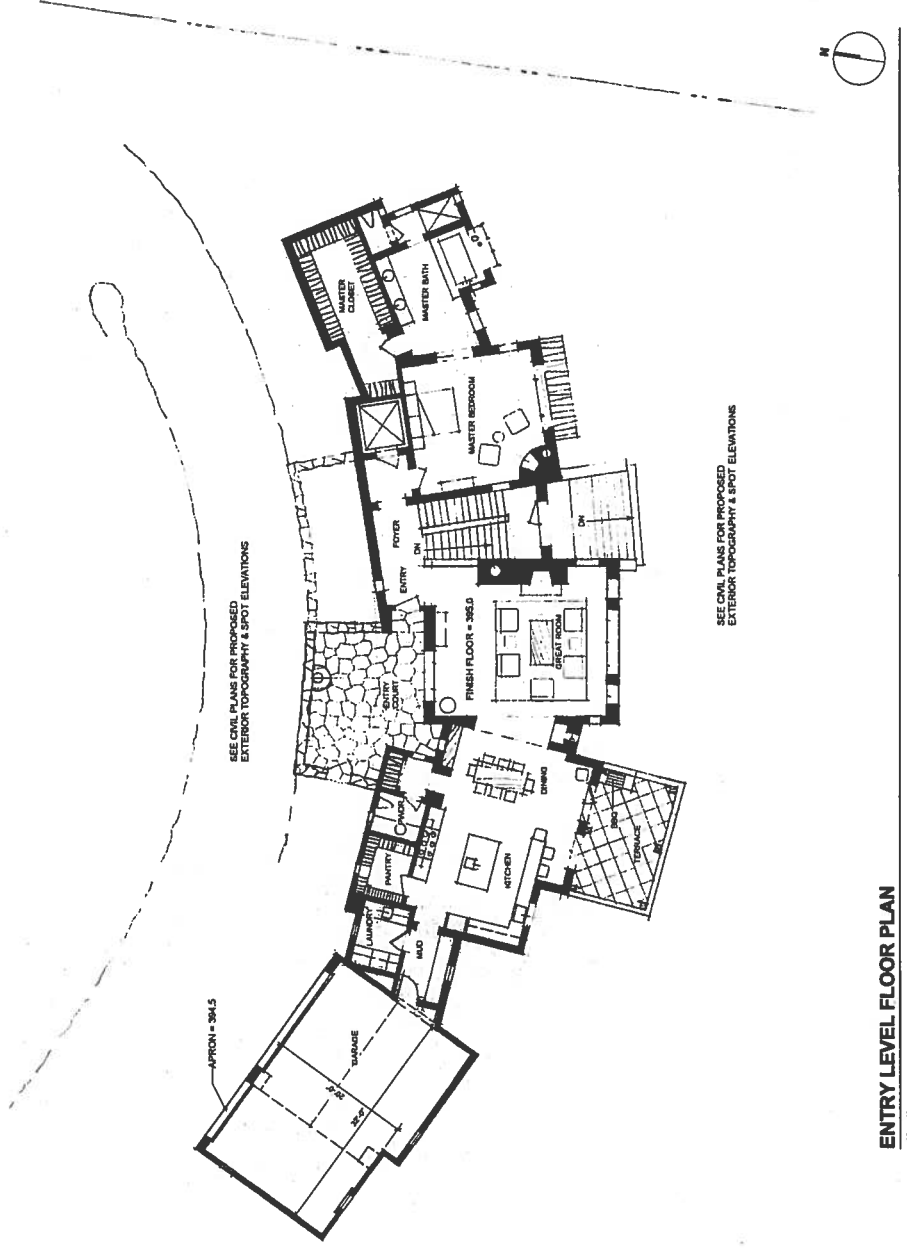
Progress Print
Not for Construction

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Revised	Description	Date

ENTRY LEVEL PLAN

A2



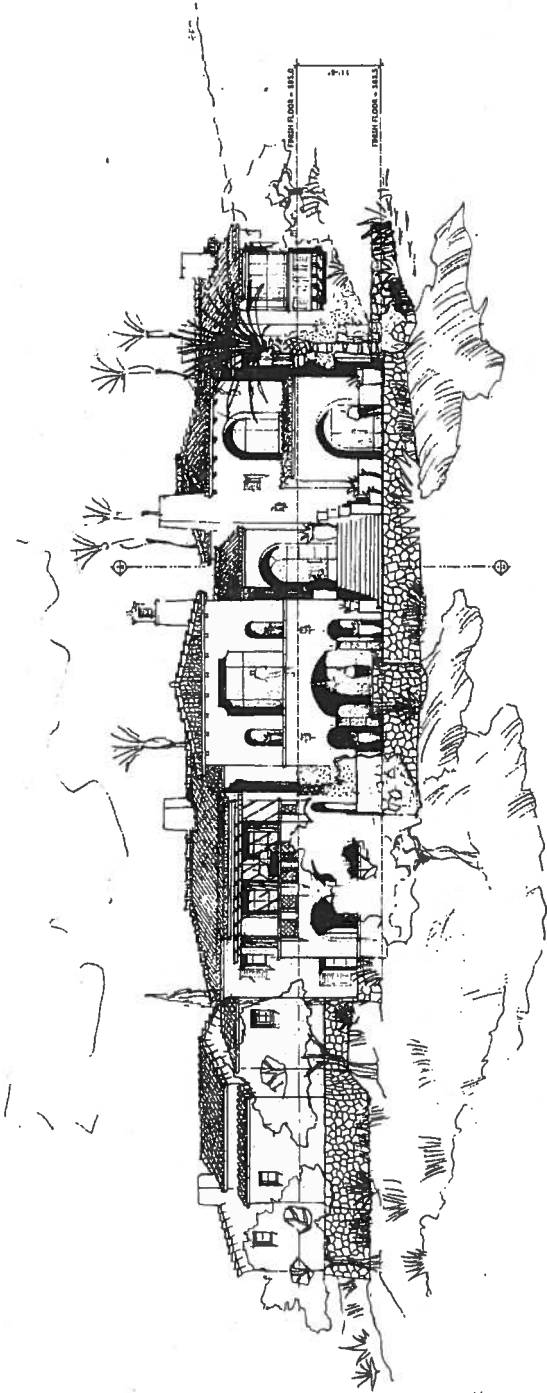
ENTRY LEVEL FLOOR PLAN
1/8" = 1'-0"

DR. M. G. GALT, LICENSED
ARCHITECT, CALIF. 1000
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CLENET PURPERO RESIDENCE

12151 Harbor Hills Drive
San Diego, CA 92108

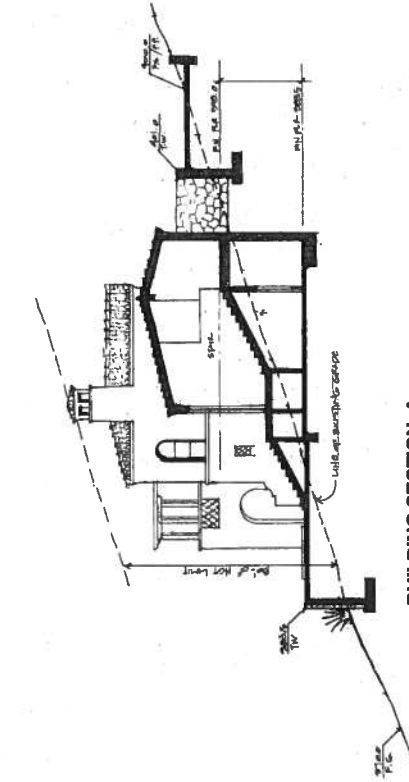
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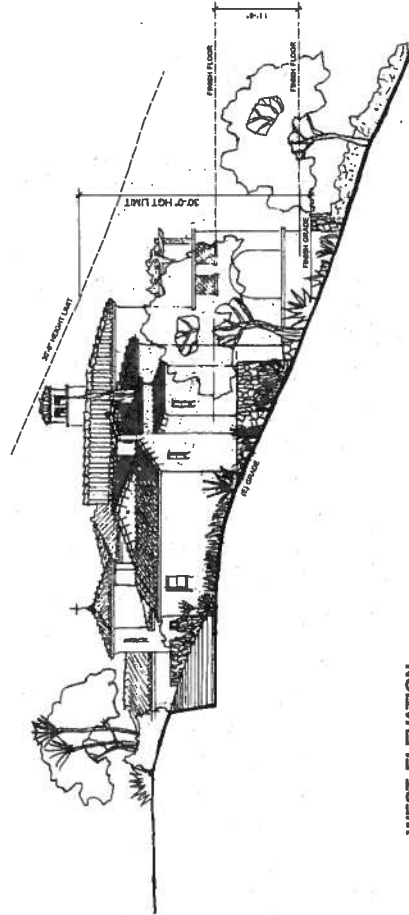
SOUTH ELEVATION
1/8" = 1'-0"

EXTERIOR MATERIALS:

1. ALL EXTERIOR WALLS TO BE 7/8" PLASTER PAINTED OFF WHITE.
2. ROOF MATERIAL SHALL BE TWO PIECE CLAY MISSION BARREL TILE.
3. ALL EXTERIOR FLOORING TO BE SANTA BARBARA SANDSTONE WITH MESA BUFF TINTED GROUT.
4. ALL FIRST FLOOR EXTERIOR DECORATIONS ARE TO BE CHEROKEE.
5. ALL SECOND FLOOR EXTERIOR DECORATIONS ARE TO BE CHEROKEE.
6. ALL WROUGHT IRON TO BE PLASTIC BROWN/BLACK FINISH.
7. ALL EXPOSED EXTERIOR WOOD TO BE MEDIUM DARK STAINED DOUG FIR.



BUILDING SECTION A
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

1. ALL EXTERIOR WALLS TO BE 7/8" PLASTER PAINTED OFF WHITE.
2. ROOF MATERIAL SHALL BE TWO PIECE CLAY MISSION BARREL TILE.
3. ALL EXTERIOR FLOORING TO BE SANTA BARBARA SANDSTONE WITH MESA BUFF TINTED GROUT.
4. ALL FIRST FLOOR EXTERIOR DECORATIONS ARE TO BE CHEROKEE.
5. ALL SECOND FLOOR EXTERIOR DECORATIONS ARE TO BE CHEROKEE.
6. ALL WROUGHT IRON TO BE PLASTIC BROWN/BLACK FINISH.
7. ALL EXPOSED EXTERIOR WOOD TO BE MEDIUM DARK STAINED DOUG FIR.

Revision	Description	Date

ELEVATIONS

A4

1000

**CLENET
PURPERO
RESIDENCE**

1213 Harbor Hills Drive
Santa Barbara, CA 93109

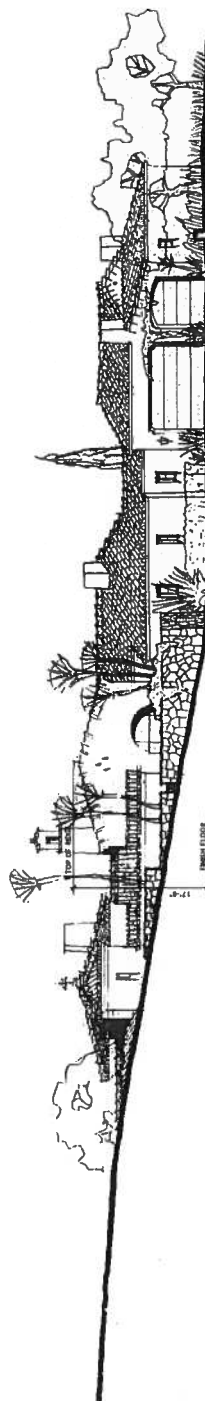
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Not for Construction

It is not surprising that the authors of this paper have been able to identify a number of factors that are associated with the use of the Internet for health information. The authors have identified a number of factors that are associated with the use of the Internet for health information. The authors have identified a number of factors that are associated with the use of the Internet for health information.

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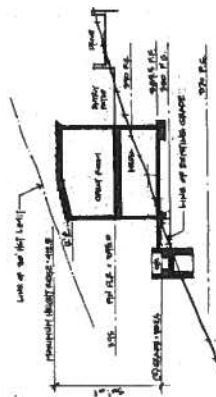
ELEVATIONS

A5



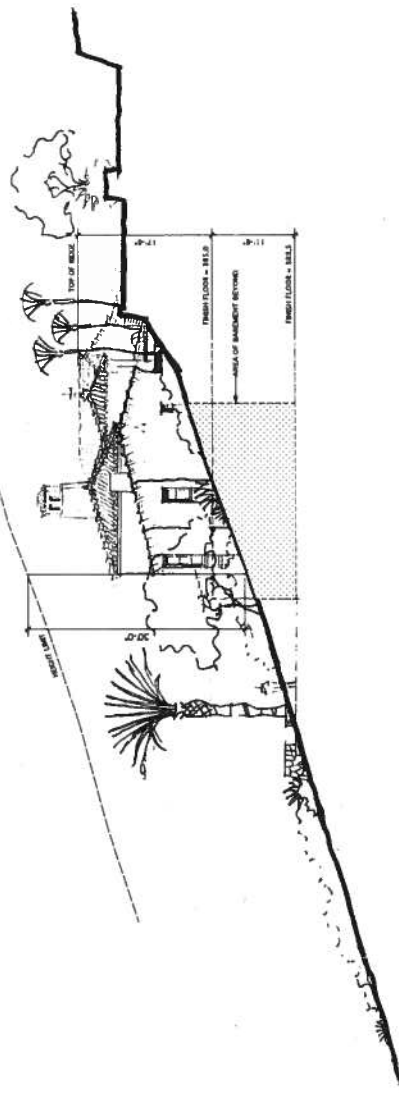
NORTH ELEVATION

NAME: _____



SECTION @ MAXIMUM HEIGHT RIDGE

NAME _____



EAST ELEVATION

1987-1988

Vanguard Planning LLC

July 11, 2011

Page 1 of 5

City of Santa Barbara Staff Hearing Officer
c/o Allison De Busk
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

Delivered Via E-mail

RE: 1213 Harbor Hills Drive (MST 2009-00385)

Dear Staff Hearing Officer:

Vanguard Planning LLC is pleased to submit this letter on behalf of Gathercole LLC, the applicant for the above referenced project. Our current proposal was submitted on August 5, 2010. Over the past year, we have worked with City staff, and a neighboring property owner, to refine and improve the design of this proposed single family residence. The proposal has also been reviewed by the Single Family Design Board (the "SFDB") on two occasions and received positive comments.

1.0 Project Description

The proposed project is a 4,217 s.f. single family residence, with an attached 672 s.f. three car garage, located on a 47,382 s.f. parcel. The project site would be created through a voluntary merger of six (6) "Rogers Tract" lots. The resulting project site is 47,445 s.f. and slightly exceeds the 45,000 s.f. lot size requirement based on the City's slope density formula. The average slope across the entire project site is 41.09%. However, the proposed single family residence would be located in an area of the site with an average slope of 35% (see Plan Sheet C.2 for calculations). The project site is surrounded by existing single family residences located on properties with nearly identical topography.

Location of the proposed single family residence on the uppermost portion of the project site minimizes grading required to carry out the project. The proposed structure is located nearly adjacent to the existing terminus of Harbor Hills Drive, which allows for access via a short private driveway that connects to this public road. Additionally, construction of the residence at the top of the slope avoids any requirement to over-excavate and recompact slopes on the project site, as there is very little sloped area located above the proposed building footprint. The proposed residence follows existing site contours, and is cut into the hillside. As a result, retaining walls needed to accommodate the structure are incorporated within the foundation of the structure itself, and are not visible from any public or private viewing location.

The proposed private driveway also follows existing site contours. A single retaining wall, necessary to accommodate the City-required driveway width, would vary from one (1) foot to a maximum of six and a half (6.5) feet in height. This wall would be obscured from public view by the proposed residence.

The entire project requires only 855 cubic yards of grading (cut and fill). Approximately 53% of proposed grading would occur within the proposed building footprint itself, with the balance being the minimum required to construct the private access driveway (32%) and outdoor patio areas (15%). The project does not include any grading to create a flat building pad and/or engineered slopes to create space around the footprint of the proposed residence.

Drought resistant landscaping would be provided in the area immediately surrounding the residence and driveway. The remainder of the site would be retained in its natural state. Fuel modification zones consistent with City of Santa Barbara Fire Department Requirements would also be provided.

The project includes a requested modification to the E-1 zone district lot frontage requirement, to allow for a lot that has less than ninety (90) feet of public street frontage. The project site is served by an existing 40 foot wide private access easement that allows for access to be provided consistent with all applicable City requirements without the need for a full ninety (90) feet of frontage on Harbor Hills Drive.

2.0 Benefits Of The Project

The proposed project includes a voluntary merger of six (6) illegally created lots within the Roger's Tract. Each of the lots included in the project, on its own, is non-conforming as to size. The voluntary merger will create a single large lot that can be developed with one (1) single family residence consistent with City of Santa Barbara E-1 zone district requirements, including slope-density requirements. The proposed development envelope comprises less than 20% of the project site, and the building footprint itself occupies only 8.9% of the site. This type of low-density development is appropriate for areas with slopes such as those present on the site and throughout the surrounding area.

The design of the proposed residence, in a long and shallow configuration that follows existing topographic contours, rather than a short and deep configuration that "stacks" down the hillside resulting in a "spillover" effect, allows development of the site to be accomplished with an absolute minimum of grading. The design of the proposed residence fully implements the City's Single Family Residence Design Guidelines (the "SFRD Guidelines"), including but not limited to the following:

"Neighborhood: Design a project to be compatible with the immediate neighborhood, and carefully consider the neighborhood study area for a project."

The proposed 4,889 s.f. structure (i.e. 4,217 s.f. residence and 672 s.f. garage) would be compatible with homes in the surrounding neighborhood in terms of total size (house + garage). A "20 Closest Homes Analysis" completed prior to consideration before the SFDB indicates that 38% of these homes are 4,300 s.f. or larger, and that the largest existing homes tend to be those located closest to the subject property. This includes several homes (existing and under construction) that are larger than the proposed residence. The proposed residence is located on a lot that is substantially larger than most lots in the surrounding neighborhood. As a result, the completed project would represent the third smallest F.A.R of any of the properties included in the 20 Closest Homes Analysis.

"Volume, Bulk, Massing and Scale: Design structures to be compatible with neighboring houses in terms of volume, size, massing, scale and bulk."

The manner in which the residence is designed to fit its site is nearly identical to the manner in which all nearby existing homes, on topographically similar sites, have been designed. The proposed residence, once developed, will appear to be a natural extension of the existing adjacent neighborhood, which includes relatively large single family residences on moderately to steeply sloped sites.

"Natural Surroundings: Blend the house into its natural surroundings."

The proposed residential structure is designed to follow existing topographic contours. The home is designed to fit its site. Therefore, there is no need to substantially alter the site in order to fit the home. Grading to create a flat building pad, and to create engineered slopes around the pad, is unnecessary. Although construction of the home as designed (cut into the hillside and supported by a caisson type foundation) is more costly than standard slab-on-grade construction, this allows the project to be developed with minimal impact to its natural surroundings.

"Grading: Limit the amount of grading to avoid erosion, visual impacts and other impacts."

Proposed grading volumes for this project are remarkably low. The project can be implemented with only 855 cubic yards of combined cut and fill. A majority of the proposed grading (684 cubic yards) is "cut", which is consistent with a project designed to blend into the existing hillside and natural surroundings. The table below

shows this project's grading compared to the earthwork required to carry out an approved single family residential development (MST97-00764 approved in 2005) on a much smaller adjacent property:

Location Of Grading	Adjacent Approved Project (cubic yards)	Proposed Project (cubic yards)
Inside Building Footprint	1,085	450
Outside Building Footprint	859	405
Total Proposed	1,944	855

The data in the table above demonstrates that the grading volume for the proposed project is less than half of the grading volume that the City approved for the adjacent property. In fact, our project's entire proposed grading volume (855 cubic yards) is slightly less than the portion of the grading located outside the building envelope (859 cubic yards) for the adjacent approved project. This data is an excellent indicator of the extent to which "minimize grading" has been incorporated as a design goal for the proposed project. This data also fully supports staff's determination in the Draft Mitigated Negative Declaration for the project (the "DMND") that *"The residence has been designed to minimize the apparent grading by cutting into the slope, which minimizes the amount of grading and the potential for hillside scarring that would occur if a different design approach was used."*

"Neighborhood Context: Integrate structures and site plan with the neighborhood."

The proposed single family residence incorporates a Mediterranean architectural style. This same style is present within the surrounding neighborhood, and is compatible with other architectural styles also present in the area. The home comprises a "hillside design" (i.e. larger main living floor above smaller lower floor, with primary entrance into the upper floor) of which there are many examples within sight of the subject property. In the "Aesthetics" section of the DMND, staff states that *"The new residence will be a continuation of the existing residential development immediately to the east."* This is an accurate determination by staff. This determination would not be possible if the proposed structure and site plan were dramatically different from development in the surrounding neighborhood, or designed in a manner that resulted in the project being isolated from the neighborhood rather than integrated with it.

Approval of the requested modification to the Santa Barbara Municipal Code (hereafter "SBMC") §28.15.080 ninety (90) foot public street frontage requirement will allow for development of the subject property in a manner that:

- is appropriate for the physical and environmental conditions present,
- is consistent and compatible with existing development in the surrounding neighborhood,
- implements the City's SFRD Guidelines; and,
- is consistent with applicable City policies and zoning requirements.

This project will be an appropriate addition to the Alta Vista neighborhood, and will convert six (6) non-conforming Roger's Tract lots into a single conforming E-1 lot.

3.0 General Plan Consistency

The "Plans And Policy Discussion" section of the DMND provides a detailed analysis that demonstrates how the proposed project may be found consistent with applicable policies of the City's General Plan. The analysis provided by staff is excellent, and we have nothing to add to it.

4.0 Conclusion - Modification Findings

The proposed single family residence has been reviewed on two separate occasions (August 2, 2010 and August 30, 2010) by the SFDB. The design received positive comments at both hearings and was forwarded for review by the Staff Hearing Officer (SHO). SHO review is required because the project includes a requested modification to the SBMC §28.15.080 requirement for ninety (90) feet of public street frontage. The extensive discussion and analysis in the

administrative record, including the DMND, has occurred in order to provide a basis for the SHO to determine that the requested modification: "...is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development containing affordable housing units...." (see SBMC §28.92.110.2). Item "(iv)" above is inapplicable, as the proposed project is not an affordable housing project. In this case, it appears clear that there is an adequate basis for the SHO to approve the requested modification based on criteria "(i)" through "(iii)" as discussed below.

1. The modification "*is necessary to (i) secure an appropriate improvement on a lot*"

The proposed single family residence represents an "*appropriate improvement on a lot*". The residence would be compatible in size and design with existing homes located in the surrounding neighborhood. The project design directly implements applicable guidelines from the City's SFRD Guidelines, and is consistent with applicable General Plan policies and zoning requirements. Analysis in the DMND shows that the proposed project would not result in the generation of any significant environmental impacts.

Although the proposed lot created by the voluntary merger would have less than the required ninety (90) feet of frontage on a public street, the lot is served by a forty (40) foot wide private access easement which allows for operational and emergency access to be provided consistent with all applicable City standards. Furthermore, in the case of the subject property, lot-frontage is not a critical factor to ensure that development of the project site is consistent with the pattern of surrounding development. The administrative record, including the DMND, clearly demonstrates that the proposed single family residence would be compatible with the existing neighborhood, and would represent a continuation of the pattern of development found within that neighborhood. These determinations are unrelated to the lot's frontage (or lack thereof) on Harbor Hills Drive.

Two (2) existing adjacent lots (1218 and 1224 Harbor Hills Drive) have less than ninety (90) feet of public street frontage. The 1224 Harbor Hills property, which became a buildable lot via City approval of MST97-00764, has no public street frontage. Other nearby properties: 1177 Harbor Hills Drive (which shares a common boundary with the project site), and 1175 Harbor Hills Drive (effectively adjacent to the project site, and within the same viewshed) each have no public street frontage and are served by a common private driveway. Therefore, the requested modification would not represent a unique circumstance in the area, and development of the subject property, as proposed, would be appropriate in light of existing development on similar adjacent properties.

2. The modification "*is necessary to...(ii) prevent unreasonable hardship*"

Existing conditions and development surrounding the project site make it physically impossible for the applicant to comply with the E-1 ninety (90) foot public street frontage requirement. No access point is available along any boundary of any of the lots included in the project site that would allow for the provision of ninety (90) feet of frontage on any public street. Without approval of the requested modification, the applicant's property would be rendered undevelopable. This would represent a unique hardship for the applicant when viewed within the context of existing development, and recent City approvals, on similar properties in the surrounding area.

As discussed above, there are several properties in the immediate area that have no public street frontage, and which have been developed (or approved for development) in a manner similar to the proposed project. This includes 1224 Harbor Hills Drive (adjacent to the project site) which comprises physical and environmental conditions nearly identical to those present on the subject property. The 1224 Harbor Hills Drive property became a developable lot in 2005 as a result of City approvals that included: 1) a Street Frontage Modification (identical to the one we are requesting); 2) a Lot Area Modification; and, 3) a Street Frontage Waiver.

The proposed project represents a reasonable and sound concept for development of the subject property. The proposal has been evaluated by the SFDB, as well planning staff, and the results of this review are determinations that: 1) the project is appropriate for its site; 2) the proposed residence would be compatible with surrounding development; and, 3) development of the site, in the manner proposed, would not generate any significant

environmental impacts. The lack of ninety (90) feet of public street frontage, if not modified, would prevent *any* development of the project site. Existing and approved development on adjacent and nearby lots, with similar environmental conditions and no street frontage, have been relieved of this hardship by City approved street frontage modifications.

Inability to develop the subject property with an appropriate, well-designed, low impact single family residence due to a lack of ninety (90) feet of public street frontage....frontage that is unnecessary to provide required access or promote uniformity of improvement in this case....would represent an "*unreasonable hardship*" for the applicant. Therefore approval of the requested modification is necessary to "*prevent unreasonable hardship*."

3. The modification "*is necessary to...(iii) promote uniformity of improvement*"

Approval of the requested modification would "*promote uniformity of improvement*" between the subject property and its surroundings. With regard to lot frontage and access, the project would be similar to homes constructed and/or approved on four (4) lots adjacent to or within view of the Subject Property. These include 1224 Harbor Hills Drive: a project that received City approval of the same street frontage modification requested in this case, and which takes access from the exact same location on Harbor Hills Drive as the proposed project.

As discussed above, and throughout the administrative record for this project, the proposed single family residence represents a continuation of the existing pattern of development in the adjacent neighborhood. That neighborhood includes relatively large homes developed on large lots with topography that is similar to the topography of the subject property.

The site represents one of the largest lots in the neighborhood, and as a result, the F.A.R. for the project is one of the smallest in the neighborhood. The proposed residence is also similar in size to many of the homes in the surrounding neighborhood. More importantly, the SFDB has reviewed the proposed residence on two occasions to specifically evaluate its design, and its compatibility with the surrounding neighborhood. On both occasions, the SFDB determined that the size and design of the proposed residence are appropriate. SBMC §22.69.010.A states that "*The goal of the Single Family Design Board shall be to ensure that single family residential unit projects are compatible with the surrounding neighborhood in size and design.*" Therefore, the SFDB's determination for this project serves as an indicator that the proposed development represents "*uniformity of improvement*" relative to its surroundings.

We look forward to presenting this proposal to the SHO on July 27, 2011. We were required to submit this "Applicant Letter" prior to reviewing the Staff Report for this project. Therefore, we may submit supplemental correspondence prior to the hearing if required.

Sincerely,

VANGUARD PLANNING LLC



Jarrett Gorin, AICP
Principal

cc: Sharon and Tony Purpero
Lloyd Malear
Mike Gones



**CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT
FINAL MITIGATED NEGATIVE DECLARATION – MST2009-00385
JULY 11, 2011**

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date, this Final Mitigated Negative Declaration (MND) has been prepared for the following project:

PROJECT LOCATION: 1213 Harbor Hills Drive, Santa Barbara, CA

PROJECT PROPONENT: Jarrett Gorin, AICP; Vanguard Planning LLC

PROJECT DESCRIPTION: The project involves the assemblage and merger of six lots that were created as part of the illegal Roger's Tract subdivision in order to create a new 1.089-acre lot and satisfy a Conditional Certificate of Compliance. A new single family residence would be constructed on the 1.089-acre lot. A lot frontage modification is required because the lot would have only 15 feet of frontage on a public street. The new house would total 4,217 net square feet with an attached 672 square foot garage. The building would be two stories with a maximum height of 30 feet above finished grade. Site development also includes a new driveway, site retaining walls, patios, barbeque and fire pit, landscaping and a spa. An existing four-foot wide pedestrian trail easement is proposed to be realigned onto the project site. In order to minimize the grading required to carry out the project, the new house would be constructed on caissons. The project includes landscaping that would be consistent with the City's Fuel Management Requirements, and storm water management improvements including permeable pavement, cisterns, a catch basin, and a vegetated swale with French drain.

IDENTIFIED MITIGATION: The MND identifies potentially significant environmental impacts related to **biological resources, geophysical conditions and hazards**. The MND includes mitigation measures to reduce these impacts to a less than significant level. Mitigation measures to further reduce adverse but less than significant impacts related to **aesthetics, air quality and geophysical conditions** have also been identified in the MND.

MITIGATED NEGATIVE DECLARATION FINDING:

Based on the findings contained in the attached Initial Study and the mitigation measures identified, it has been determined that the proposed project will not have a significant effect on the environment.

Prepared By:

Allison De Busk 7-11-11
Allison De Busk [DATE]
Project Planner

Approved By:

Melissa Hetrick for 7/11/11
Melissa Hetrick [DATE]
Environmental Analyst

**CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

INITIAL STUDY/ ENVIRONMENTAL CHECKLIST

PROJECT: 1213 Harbor Hills Drive

MST2009-00385

~~May 31, 2011~~ July 11, 2011

This Initial Study has been completed for the project described below because the project is subject to review under the California Environmental Quality Act (CEQA) and was determined not to be exempt from the requirement for the preparation of an environmental document. The information, analysis and conclusions contained in this Initial Study are the basis for deciding whether a Negative Declaration (ND) is to be prepared or if preparation of an Environmental Impact Report (EIR) is required to further analyze impacts. Additionally, if preparation of an EIR is required, the Initial Study is used to focus the EIR on the effects determined to be potentially significant.

APPLICANT/ PROPERTY OWNER

Applicant: Jarrett Gorin, AICP; Vanguard Planning LLC
735 State Street, Suite 204, Santa Barbara, CA 93101-5502

Architect: Lloyd Malear, DesignARC, Inc.
29 W. Calle Laureles, Santa Barbara, CA 93105

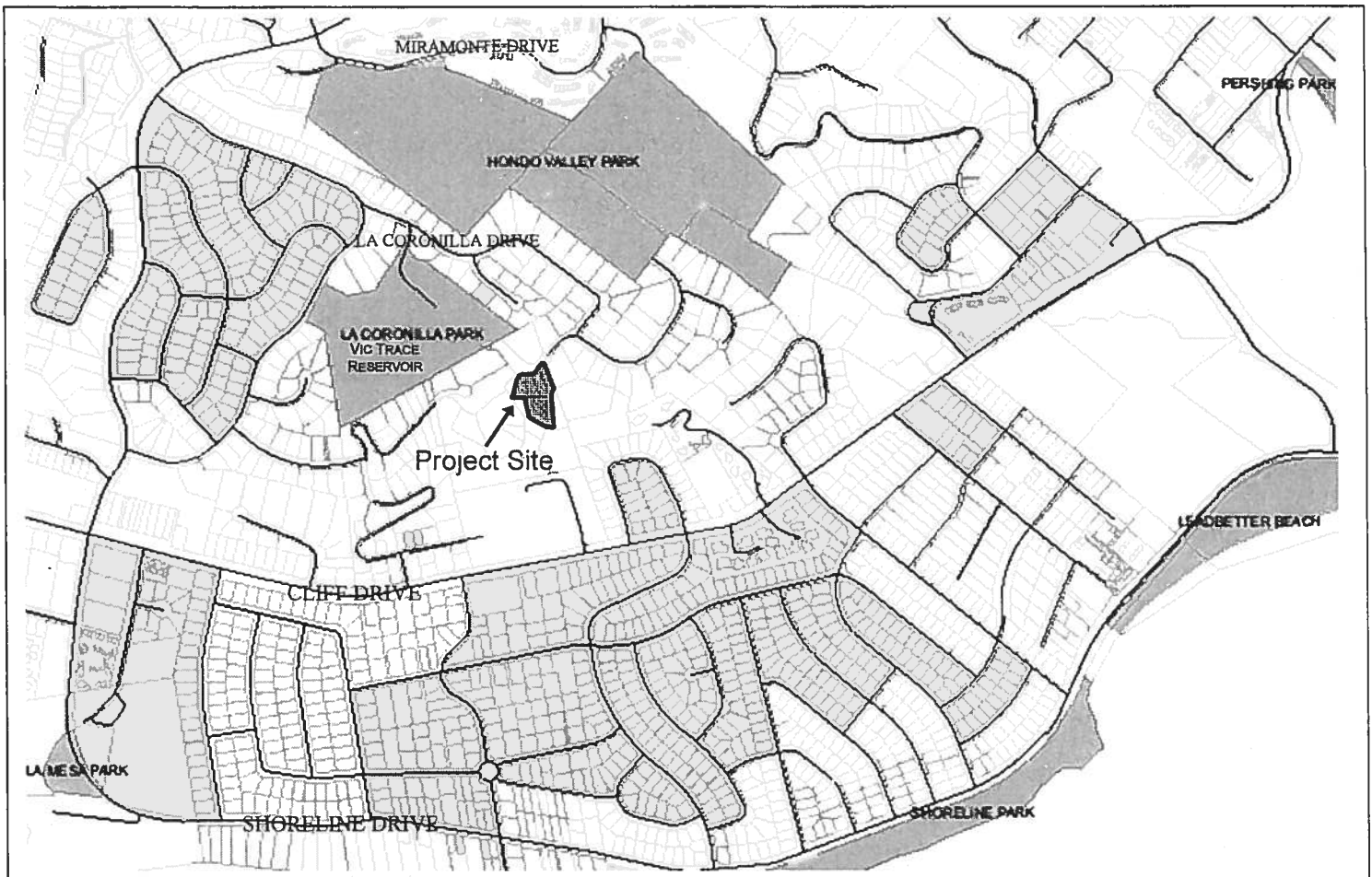
Civil Engineer: Mike Gones, Civil Engineer
1518 Bath Street, Santa Barbara, CA 93101

Owner(s): Sharon Clenet-Purpero and Anthony Purpero
1211 Harbor Hills Drive, Santa Barbara, CA 93109

Gathercole LLC
c/o Sharon Clenet-Purpero and Anthony Purpero
1211 Harbor Hills Drive, Santa Barbara, CA 93109

PROJECT ADDRESS/LOCATION (See Vicinity Map below and *Exhibit A-Topographic Map*)

The project site consists of Lots 118, 119, 121, 122, 123 and 124, located at 1213 Harbor Hills Drive and totaling 1.089 acres. The project site is located immediately southwest of the terminus of Harbor Hills Drive, approximately 925 feet north of Cliff Drive. The project site is located in the Alta Mesa neighborhood of the City of Santa Barbara.



Vicinity Map – 1213 Harbor Hills Drive

PROJECT DESCRIPTION (See also *Exhibit B-Project Plans*)

Project Components: The project involves the assemblage and merger of six lots that were created as part of the illegal Roger's Tract subdivision (see additional information below under Plans and Policy Discussion, Land Use and Zoning Designations) in order to create a new 1.089-acre lot and satisfy a Conditional Certificate of Compliance. A new single family residence would be constructed on the 1.089-acre lot. In order to satisfy the conditions of the Certificate of Compliance, a lot frontage modification is required because the lot would have only 15 feet of frontage on a public street. The new house would total 4,217 net square feet with an attached 672 square foot garage. The building would be two stories and would have a maximum height of 30 feet above finished grade. The building has been designed to follow the topography of the site, and would appear as a one-story structure when viewed from Harbor Hills Drive (north elevation), and would be a full two stories (30 feet) when viewed from the south. Site development also includes a new driveway, site retaining walls, patios, barbeque and fire pit, landscaping and a spa. An existing four-foot wide pedestrian trail easement is proposed to be realigned onto the project site because the proposed driveway would conflict with the existing conceptual alignment. In order to minimize the grading required to carry out the project, the new house would be constructed on caissons. The project includes landscaping (yet to be designed) that would be consistent with the City's Fuel Management Requirements, and storm water management improvements including permeable pavement, cisterns, a catch basin, and vegetated swale with French drain.

Demolition/Construction: The total construction period is anticipated to last approximately 20 months, with the first two of those months required for construction of the driveway improvements, and the remaining 18 months for the excavation of foundation areas and construction of the residence.

Required Permits: The discretionary actions required by the City are:

- (a) A Modification to provide less than the required 90 feet of frontage on a public street in the E-1 Zone (SBMC §28.15.080).
- (b) SFDB approval is required for the grading/site design, architecture and landscaping.

The project also requires the following non-discretionary permits:

- (a) Voluntary Lot Merger of APNs 035-480-037, 035-480-039, 035-480-040 and 035-480-041 to create a 1.089 acre lot.
- (b) Building Permit(s) to construct the proposed improvements.

ENVIRONMENTAL SETTING

Existing Site Characteristics

Topography: Steeply sloping to the south. Slopes vary from approximately 20% to greater than 40%, with the vast majority of the site having slopes greater than 30%. The building site (development envelope) slope is 35%. Drainage from the site naturally flows overland down the hillside.

Flooding/Fire Hazard: The project site is located in the Coastal Interior Zone of the City's High Fire Hazard Area. The potential fire behavior in this zone is considered moderate to low. The site is not subject to flooding or tsunamis.

Creeks/Drainage: A natural watercourse is present near the southwest corner of the property.

Biological Resources: The project site contains coastal sage scrub habitat and non-native grassland. No Federally- or State-protected plant or animal species reside at the site.

Noise: The project site has an average ambient noise level of less than 60 decibels (dBA Ldn 24-hour day/night average).

Existing Land Use

Existing Facilities and Uses: The subject lots are currently vacant and have no permitted uses.

Access and Parking: Pedestrian access to the vacant lots is gained from the end of Harbor Hills Drive. There is currently no formal vehicular access or parking on the site.

PROPERTY CHARACTERISTICS

	Assessor's Parcel Number:	Parcel Size:	Owner:
Lot 118	035-480-037	8,349 sq. ft.	Clenet Trust
Lot 119	035-480-037	9,321 sq. ft.	Clenet Trust
Lot 121	035-480-037	9,288 sq. ft.	Clenet Trust
Lot 122	035-480-039	7,168 sq. ft.	Gathercole, LLC
Lot 123	035-480-040	6,648 sq. ft.	Gathercole, LLC
Lot 124	035-480-041	6,671 sq. ft.	Gathercole, LLC
		47,445 sq. ft. total (1.089 acres)	
Zoning: E-1 (One Family Residential)		General Plan Designation:	Residential – 3 units per acre
Existing Land Use: vacant		Proposed Land Use:	Single-family residential
Slope:		Site = 41%; within development envelope = 35%	
SURROUNDING LAND USES:			
North: Residential		East: Residential	
South: Residential		West: Residential	

PLANS AND POLICY DISCUSSION

(CEQA Guidelines 15063, Contents of Initial Study specifies inclusion of "An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls.")

Land Use and Zoning:

The General Plan Land Use Designation for these lots is Residential, three dwelling units per acre. With a proposed lot size of 1.089 acres, and proposed construction of one single-family residence, the project is consistent with its General Plan Land Use Designation.

The project site is located in the Alta Mesa neighborhood, which is bordered by Loma Alta Drive on the east; Elings Park on the west; by the existing development oriented to Cliff Drive on the south; and by the base of the steep hillside on the north. This neighborhood is almost entirely zoned E-1, requiring lot sizes of 15,000 square feet. In the past, minimum lot sizes were smaller than the current E-1 requirements and the development trend created lots that were, in many cases, too small for the topography. Older subdivisions in the area to the southeast have lot sizes ranging between 10,000 square feet to 1.4 acres. Older subdivisions to the north and west have lot sizes ranging from 8,000 square feet to 24,700 square feet. In order to regulate and limit residential development in hillside areas, the City's Slope Density Ordinance (adopted in 1975) requires that minimum lot sizes be increased based on the slope of the property, as shown below:

Percent of Average Slope	Factor	E-1 Zone Requirement
10% up to and including 20%	1.5 times minimum lot area	22,500 sq. ft.
over 20% up to & including 30%	2.0 times minimum lot area	30,000 sq. ft.
over 30%	3.0 times minimum lot area	45,000 sq. ft.

With an average slope of 41 percent, the proposed parcel at 1213 Harbor Hills Drive would require three times

the minimum lot size requirement, or 45,000 square feet. Because the proposed parcel would have a lot size of 47,445 square feet, it would comply with the minimum size requirements of the E-1 Zone.

The E-1 Zone also requires each lot to have 90 feet of frontage on a public street. Although the project site would take access from a public Street (Harbor Hills Drive) via an easement, the lots comprising the project site have minimal frontage on a public street. A Modification has been requested to relieve the project from complying with this zoning standard.

Additional zoning regulations related to development of the project site include setbacks, parking, open yard and height. The proposed development would be consistent with each of these requirements.

The subject property is located within the Rogers Tract, which originated from a survey recorded in 1929. The Rogers Tract was subdivided by a series of deed conveyances between 1929 and the late 1950s. In 1979, the Planning Commission determined that the undeveloped Rogers Tract lots, including each of the six subject lots, were illegally subdivided.

In accordance with the State Subdivision Map Act (Map Act), the City issued a Conditional Certificate of Compliance for the subject lots in May 2009, thus legalizing the lots. The Map Act provides that a local agency can impose conditions from local ordinances that would have been applicable to the division of property at the time the applicant acquired interest in the property. Conditions included in a Conditional Certificate of Compliance are required to be fulfilled prior to issuance of any permit or grant of approval for development on the property. The relevant conditions in this case are the zoning requirements that: 1) the property shall be combined or added to as necessary to comply with the lot area requirements of the E-1 zone for a newly created lot (including slope density provisions), and 2) the property shall have a minimum of 90 feet of frontage on a public street. As discussed above, the project would comply with the required minimum lot size of 45,000 square feet, but requires a modification to provide less than the 90 feet of required lot frontage.

The existing parcels surrounding this site range in lot size from 8,700 to 65,900 square feet and with slopes that range from 11 to 49%. Most of the lots in the vicinity have slopes greater than 30%, and most have significantly less than the required 45,000 square feet of lot area.

General Plan Policies:

Conservation Element

City Conservation Element policies provide that significant environmental resources of the City be preserved and protected. The Conservation Element requires implementation of resource protection measures for archaeological, cultural and historic resources; visual, biological and open space resources; specimen and street trees; air and water quality; and to minimize potential drainage, erosion and flooding hazards.

The project may be found generally consistent with applicable policies of the Conservation Element through adherence to the identified project design and mitigation measures as detailed in the initial study (refer to Aesthetics, Biological Resources and Geophysical Conditions sections), such that potential significant adverse impacts to the City's environmental resources are avoided and minimized to the maximum extent feasible. With implementation of required and recommended mitigation measures to address fuel management, grading, development, and construction dust, the project could be found consistent with the policies of the Conservation Element.

Seismic Safety/Safety Element

The City's Seismic Safety/Safety Element requires that development be sited, designed and maintained to protect life, property, and public well-being from seismic and other geologic hazards, and to reduce or avoid adverse economic, social, and environmental impacts caused by hazardous geologic conditions. The Seismic Safety/Safety Element addresses a number of potential hazards including, geology, seismicity, flooding, liquefaction, tsunamis, high groundwater, and erosion.

The project site is subject to some geologic and environmental constraints. As discussed in the Initial Study analysis, potential impacts associated with these hazards would be adequately addressed by implementing the

identified project design such that construction of the proposed development would ensure seismic and geologic stability, and reduce or avoid potential environmental impacts associated with unstable geologic conditions. With implementation of required mitigation measures, the project could be found consistent with the policies of the Seismic Safety/Safety Element.

Noise Element

The City's Noise Element includes policies intended to achieve and maintain a noise environment that is compatible with the variety of human activities and land uses in the City. The proposed development would not generate a significant increase in existing noise levels in the neighborhood in the long-term or exceed noise level guidelines of 60 dBA CNEL exterior or 45 dBA CNEL interior. As such, the proposed project could be found consistent with the applicable policies of the Noise Element.

Circulation Element

The Circulation Element of the General Plan contains goals and implementing measures to reduce adverse impacts to the City's street system and parking by reducing reliance on the automobile, encouraging alternative forms of transportation, reviewing traffic impact standards, and applying land use and planning strategies that support the City's mobility goals. As discussed in the Initial Study analysis, potential traffic and parking related impacts are less than significant, therefore the project could be found consistent with the policies of the Circulation Element.

Relevant ***Single Family Residential Hillside Housing Design Guidelines*** include:

- 26.5 *Fit in with hillside topography and background*
- 26.6 *Avoid interrupting natural ridgelines and skylines. Set the house below these.*
- 29.2 *Preserve slopes greater than 30% by avoiding grading and clearing.*
- 30.1 *Set house on the site so that the length of the driveway is minimized.*
- 30.2 *Minimize the visibility of driveway cuts on the property.*
- 30.4 *Design driveway slope with the natural topography.*
- 32.3 *Avoid crowding or overwhelming neighboring residences.*

The project has been reviewed by the Single Family Design Board who determined that the project, as designed, could be found to be generally consistent with these guidelines.

ENVIRONMENTAL CHECKLIST

The following checklist contains questions concerning potential changes to the environment that may result if this project is implemented. If no impact would occur, **NO** should be checked. If the project might result in an impact, check **YES** indicating the potential level of significance as follows:

Significant: Known substantial environmental impacts. Further review needed to determine if there are feasible mitigation measures and/or alternatives to reduce the impact.

Potentially Significant: Unknown, potentially significant impacts that need further review to determine significance level and whether mitigable.

Potentially Significant, Mitigable: Potentially significant impacts that can be avoided or reduced to less than significant levels with identified mitigation measures agreed-to by the applicant.

Less Than Significant: Impacts that are not substantial or significant.

1. AESTHETICS Could the project:	NO	YES <i>Level of Significance</i>
a) Affect a public scenic vista or designated scenic highway or highway/roadway eligible for designation as a scenic highway?		Less Than Significant
b) Have a demonstrable negative aesthetic effect in that it is inconsistent with Architectural Board of Review or Historic Landmarks Guidelines or guidelines/criteria adopted as part of the Local Coastal Program?		Less Than Significant
c) Create light or glare?		Less Than Significant

Visual Aesthetics - Discussion

Issues: Issues associated with visual aesthetics include the potential blockage of important public scenic views, project on-site visual aesthetics and compatibility with the surrounding area, and changes in exterior lighting.

Impact Evaluation Guidelines: Aesthetic quality, whether a project is visually pleasing or unpleasing, may be perceived and valued differently from one person to the next, and depends in part on the context of the environment in which a project is proposed. The significance of visual changes is assessed qualitatively based on consideration of the proposed physical change and project design within the context of the surrounding visual setting. First, the existing visual setting is reviewed to determine whether important existing visual aesthetics are involved, based on consideration of existing views, existing visual aesthetics on and around the site, and existing lighting conditions. Under CEQA, the evaluation of a project's potential impacts to scenic views is focused on views from public (as opposed to private) viewpoints. The importance of existing views is assessed qualitatively based on whether important visual resources such as mountains, skyline trees, or the coastline, can be seen, the extent and scenic quality of the views, and whether the views are experienced from public viewpoints. The visual changes associated with the project are then assessed qualitatively to determine whether the project would result in substantial effects associated with important public scenic views, on-site visual aesthetics, and lighting.

Significant visual aesthetics impacts may potentially result from:

- Substantial obstruction or degradation of important public scenic views, including important views from scenic highways; extensive grading and/or removal of substantial amounts of vegetation and trees visible from public areas without adequate landscaping; or substantial loss of important public open space.
- Substantial negative aesthetic effect or incompatibility with surrounding land uses or structures due to project size, massing, scale, density, architecture, signage, or other design features.
- Substantial light and/or glare that poses a hazard or substantial annoyance to adjacent land uses and sensitive receptors.

Visual Aesthetics – Existing Conditions and Project Impacts

The City's Master Environmental Assessment (MEA) maps identify the subject lots as located in an area of visual sensitivity and major hillside with slopes in excess of 30%. The entire project site has an average slope of 41%. The new house would be located within the identified development envelope, which has an average slope of 35%.

With respect to hillside development, there are several applicable goals and policies under the Conservation Element related to Visual Resources that apply to the project site, which are listed below.

Visual Resources Goal – "Prevent the scarring of hillside areas by inappropriate development."

Visual Resources Policy 2.0 – "Development on hillsides shall not significantly modify the natural topography and vegetation."

Visual Resources Strategy 2.1 – "Development which necessitates grading on hillsides with slopes greater than 30% should not be permitted."

Visual Resources Strategy 2.3 – Use of native or naturalized and fire retardant vegetation should be encouraged for landscaping on major cut and fill slopes where development occurs on hillsides.

Visual Resources Strategy 2.3 – All development on hillsides should be required to landscape the downslope side so as to hide or break up large surface area views of structures facing down slope.

Visual Resources Goal – “Protect and enhance the scenic character of the City.”

Visual Resources Policy 3.0 – “New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.”

Visual Resources Goal – “Protect significant open space areas from the type of development which would degrade the City’s visual resources.”

Visual Resources Policy 5.0 – “Significant open space areas should be protected to preserve the City’s visual resources from degradation.”

1.a) Scenic Views - There would be no impacts to a scenic highway because the project site is not located on, nor is it visible from, a designated scenic highway, and there are no roadways eligible for designation as scenic highways in the area.

The proposed development would be located at the top of this hillside lot, and involves some of the last remaining undeveloped lots in this Alta Vista neighborhood. Due to existing development near the project site, existing vegetation, and the site location and topography, the new residence would be minimally visible from Harbor Hills Drive, and would only block private views of the ocean from immediately in front of the proposed house at the end of Harbor Hills Drive. Because Harbor Hills Drive dead ends in this location, public use of this portion of the street is minimal. The proposed residence would also be seen from the residences to the north, including 1218 and 1214 Harbor Hills Drive, and from the residences to the east. Views to the Pacific Ocean are unlikely to be affected by the proposed residence because the residences to the north are higher on the hillside than 1213 Harbor Hills Drive and the residences to the east are able to view the ocean directly south of their properties.

The proposed development would be visible from portions of Cliff Drive, as well as from portions of Shoreline Park. Photographs of the site from various locations are provided as **Exhibit D**. The new residence will be a continuation of the existing residential development immediately to the east. The areas surrounding the project site have open undeveloped areas that are partially disturbed and broken up with residential development and a municipal reservoir. Although this creates visual open space when viewing the site from Cliff Drive or Shoreline Park, the area is mostly privately held and zoned for residential development. Because the central portion of this undeveloped area is a valley located west of the project site that serves as a drainage swale for the area, it is unlikely that the central portion would ever be developed. However, development has been approved and is currently under construction on property west of the drainage (six single-family homes), and a developable lot is located north of the project site (1224 Harbor Hills Drive). The development of the subject site is proposed at the top of the lot, locating it close to existing development and leaving the majority of the downhill slope undeveloped. The project will slightly reduce the existing visual openness of the hillside on the subject property; however, due to the distances from which the site could be viewed, the reduction would be minimal from an environmental standpoint. A house is not inherently visually adverse, and the fact that it may be visible from public roads does not of itself constitute a significant visual effect. The project is limited in scope and would only permit one new residence, similar in size to surrounding development. The residence has been designed to minimize the apparent grading by cutting into the slope, which minimizes the amount of grading and the potential for hillside scarring that would occur if a different design approach was used.

The proposed project would not obstruct public scenic view corridors to the ocean or lower elevations of the City nor would it obstruct upper foothill or mountain views from the beach or lower elevations of the City. The project site would be visible intermittently from locations along Shoreline Park and Cliff Drive. However, it is surrounded by existing residential development, would be consistent with the surrounding urban development, and would not substantially change existing views. The project would result in a less than significant impact to public or scenic views because there are limited prominent public view points from which the project site can be viewed, and from those points the project would not significantly change the existing view, nor would the development result in a substantial loss of important public open space. However, because the site is visible from public viewing areas, changes to the hillside landscaping or the hillside itself, or moving the development farther from existing development, could result in an adverse aesthetic impact. Refer to discussion below for additional information and recommended mitigation.

1.b) Aesthetics – Existing development in the project vicinity consists of single-family residences. The proposed project would result in development similar in height and bulk to the existing surrounding development. The new residence would be a Spanish style design, with a plaster finish and clay tile roof. Stone walls would be Santa Barbara Sandstone. Landscaping has only been conceptually designed, but would have a Mediterranean palette. A retaining wall along the north side of the driveway would begin approximately halfway down the driveway, and would gradually increase in height to a maximum of six feet at the west end of the driveway. The project has been designed to be consistent with adjacent development and with the City's Hillside Housing Design Guidelines. The project has been conceptually reviewed by the Single Family Review Board (SFDB) on two occasions in August 2010 (*Exhibits E and F*). In general, the SFDB was supportive of the design. The SFDB requested a landscape plan to minimize views of the structure from Shoreline Park and additional details on slope and retaining wall heights. Consistent with City requirements, project design approval by the SFDB would be required prior to issuance of a building permit.

The entire project area is located on a south-facing slope. The grading design for the residence is similar to the surrounding neighborhood. The structure would be imbedded into the hillside and would step down the slope of the property, with the downhill elevations at two stories, plus a wall (approximately three to five feet in height) to support the terrace. The total amount of grading for the project would be 765 cubic yards (c.y.). This includes 594 c.y. of cut (450 c.y. of which is within the building footprint) and 171 c.y. of fill, with 423 c.y. of export. While the City closely scrutinizes proposals on new lots with steep slopes, the City also recognizes that there are legal lots¹ in the City with slopes greater than 30%. Tools such as the Neighborhood Preservation, Grading and Vegetation Ordinance (NPO) and the Single-Family Residence Design Guidelines include guidance for City Staff and decision-makers when reviewing development on constrained sites such as these. The NPO findings (SBMC §22.69.050) implement policies from the City's Conservation and Open Space Elements that focus on hillside development. These policies pertain to protection of the public health, safety, and welfare; appropriateness of proposed grading and development given the site topography; protection of existing trees; preservation of public views; and compatibility with the neighborhood.

In this case, grading outside the structure footprint would follow the natural landform as much as is feasible. The driveway has been aligned to minimize grading while meeting the required design standards for width, gradient and cross fall. The Single Family Design Board has reviewed the proposal to balance the use of retaining walls, maintain the natural topography, and minimize amount of grading proposed. Additionally, staff has worked with the applicant to reduce the development envelope by attaching the garage to the house and eliminating a previously proposed pool. The project has been designed to minimize the grading as much as possible; however, it is not feasible to entirely eliminate grading on hillsides with slopes greater than 30 percent. As previously stated, in cases where projects have steep slopes, the City uses the NPO findings and the Single-Family Residence Design Guidelines for guidance in reviewing these projects. These have been considered throughout the review of this project.

The proposed project would result in development similar in height and bulk to the existing surrounding development. Therefore, the project design and impacts on aesthetics are considered a less than significant impact. However, due to the project site's steep slope and visibility of the hillside, mitigation measures have been recommended to ensure that the development/design does not change in such a way as to create an aesthetic impact. Although not part of a prominent scenic view (as discussed above), the project site is visible from other areas of the City, and therefore changes to the location of the development on the site, inappropriate grading, or excessive removal of existing landscaping (for fuel modification or other reasons) could result in negative impacts to aesthetics and would be inconsistent with general plan policies related to hillside development. Additionally, changes to proposed grading, significant irrigation, or excessive or inappropriate fuel modification could result in hillside erosion, which would have a negative aesthetic impact. Mitigation to limit development to the identified Development Envelope and the mitigations identified in BIO-1, GEO-1, GEO-2, GEO-3, and GEO-4 would ensure that aesthetic impacts remain less than significant.

1.c) Lighting/Glare – The project would provide outdoor lighting typical of residential areas in a project of limited scope, and proposed building materials do not have the potential to create significant glare. Exterior lighting would be subject to compliance with the requirements of SBMC Chapter 22.75, the City's Outdoor Lighting and Design Ordinance. The ordinance provides that exterior lighting be shielded and directed to the ground such that no undue lighting or glare would affect surrounding residents, roads, or habitat areas. All exterior lighting requires review and approval by the City's Single Family Design Board. As such, project impacts on lighting and glare would be less than significant.

¹ Note that while the subject lots are considered legal as the result of the Conditional Certificate of Compliance, they are not considered "buildable" until the conditions of the certificate of compliance have been satisfied *and* development has been approved.

Visual Aesthetics – Recommended Mitigation

VIS-1 Development Rights Restrictions. The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans (those areas outside the Development Envelope) in order that those portions of the Real Property remain in their natural state. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines, with the exception of stormwater management improvements identified on the plans and implementation of the Fuel Management Plan. The restricted areas shall be shown on the landscape plans. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment and in accordance with the approved Fuel Management Plan.

See also BIO-1, GEO-1, GEO-2, GEO-3 and GEO-4.

Visual Aesthetics - Residual Impacts

Less than significant.

2. AIR QUALITY		NO	YES
Could the project:			<i>Level of Significance</i>
a)	Conflict with or obstruct implementation of the applicable air quality plan?		Less Than Significant
b)	Exceed any air quality emission threshold?		Less Than Significant
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is designated in non-attainment under an applicable federal or state ambient air quality standard?		Less Than Significant
d)	Expose sensitive receptors to substantial pollutants?		Less Than Significant
e)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		Less Than Significant
f)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?		Less Than Significant
g)	Create objectionable odors?		Less Than Significant

Air Quality - Discussion

Issues. Air quality issues involve pollutant emissions from vehicle exhaust, stationary sources (i.e. gas stations, boilers, diesel generators, dry cleaners, oil and gas processing facilities, etc), and minor stationary sources called “area sources” (i.e. residential heating and cooling, fireplaces, etc.) that contribute to smog, particulates and nuisance dust associated with grading and construction processes, and nuisance odors. Stationary sources of air emissions are of particular concern to sensitive receptors, as is construction dust and particulate matter. Sensitive receptors are defined as children, elderly, or ill people that can be more adversely affected by air quality emissions. Land uses typically associated with sensitive receptors include schools, parks, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and clinics.

Smog, or ozone, is formed in the atmosphere through a series of photochemical reactions involving interaction of oxides of nitrogen [NO_x] and reactive organic compounds [ROC] (referred to as ozone precursors) with sunlight over a period of several hours. Primary sources of ozone precursors in the South Coast area are vehicle emissions. Sources of particulate matter (PM₁₀ and PM_{2.5}) include demolition, grading, road dust, agricultural tilling, mineral quarries, and vehicle exhaust.

The City of Santa Barbara is part of the South Coast Air Basin. The City is subject to the National Ambient Air Quality Standards and the California Ambient Air Quality Standards (CAAQS), which are more stringent than the national

standards. The CAAQS apply to six pollutants: photochemical ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter, and lead. The Santa Barbara County Air Pollution Control District (SBCAPCD) provides oversight on compliance with air quality standards and preparation of the County Clean Air Plan.

Santa Barbara County is considered in attainment of the federal eight-hour ozone standard, and in attainment of the state one-hour ozone standard. The County does not meet the state eight-hour ozone standard or the state standard for particulate matter less than ten microns in diameter (PM₁₀); but does meet the federal PM₁₀ standard. The County is in attainment for the federal PM_{2.5} standard and unclassified for the state PM_{2.5} standard.

The SBCAPCD has also issued several notifications and requirements regarding ~~asbestos exposure during demolition activities and~~ toxic air emissions generated from activities such as gasoline dispensing, dry cleaning, freeways, manufacturing, etc., that may require projects with these components to mitigate or redesign features of the project to avoid excessive health risks.

Global Climate Change (GCC) is a change in the average weather of the earth that can be measured by changes in wind patterns, storms, precipitation and temperature. Although there is not unanimous agreement regarding the occurrence, causes, or effects of GCC, there is a substantial body of evidence that climate change is occurring due the introduction of gases that trap heat in the atmosphere. Common greenhouse gases (GHG) include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, ozone and aerosols. Natural processes emit GHG that help to regulate the earth's temperature; however, it is believed that substantial increases in emissions from human activities, such as electricity production and vehicle use, have substantially elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. While other greenhouse gases have higher global warming potential, carbon dioxide is emitted in such vastly higher quantities that it accounts for 85 percent of the ~~global warming potential~~ of all greenhouse gases ~~emitted~~ emissions by the United States. Greenhouse gas emissions, therefore, are typically measured in terms of mass carbon dioxide equivalents, which is the product of the mass of a particular greenhouse gas and its specific global warming potential (CO₂ has a global warming potential of 1).

California is a substantial contributor of GHG (2nd largest contributor in the U.S. and the 16th largest contributor in the world); with transportation and electricity generation representing the two largest contributing factors (41 and 22 percent, respectively). According to the US EPA greenhouse gas emissions in the U.S. amounted to 7,260 million metric tons of carbon dioxide equivalents in 2005. The California Energy Commission estimates that California emissions in 2004 were approximately 482 million metric tons of carbon dioxide equivalents.

Assembly Bill 32 created the California Global Warming Solutions Act of 2006 that requires the California Air Resources Board to adopt regulations to evaluate statewide greenhouse gas emissions, and then create a program and emission caps to limit statewide emissions to 1990 levels. The program is to be adopted by 2012 and implemented in a manner achieving emissions compliance by 2020. AB 32, therefore, creates an emission reduction goal for the state of 173 million metric tons of carbon dioxide equivalents by 2020. AB 32 does not directly amend CEQA or other environmental laws, but it does acknowledge that emissions of greenhouse gases cause significant adverse impacts to human health and the environment.

California State Senate Bill 97, enacted in 2007, required that the CEQA Guidelines be amended to include "guidance for the mitigation of greenhouse gas emission or the effects of greenhouse gas emissions." The California Office of Planning and Research developed amendments to the CEQA Guidelines which were adopted by the California Natural Resources Agency on December 30, 2009 and became effective March 18, 2010. These amendments established a general framework for addressing global climate change impacts in the CEQA process. A number of state and regional agencies within California are working to develop procedures to evaluate climate change impacts in CEQA documents and to determine whether those impacts are significant. While these standards are being developed for Santa Barbara County, SBCAPD recommends that CEQA documents include: 1) a discussion of a project's impacts to and from global climate change; 2) a quantification of greenhouse gas emissions from all project sources; and 3) a discussion of how climate change impacts have been be mitigated to the extent reasonably possible for each project.

Impact Evaluation Guidelines: A project may create a significant air quality impact from the following:

- Exceeding an APCD pollutant threshold; inconsistency with District regulations; or exceeding population forecasts in the adopted County Clean Air Plan.
- Exposing sensitive receptors, such as children, the elderly or sick people to substantial pollutant exposure.
- Substantial unmitigated nuisance dust during earthwork or construction operations.
- Creation of nuisance odors inconsistent with APCD regulations.

Long-Term (Operational) Impact Guidelines: The City of Santa Barbara uses the SBCAPCD thresholds of significance for evaluating air quality impacts. The SBCAPCD has determined that a proposed project will not have a significant air quality impact on the environment if operation of the project will:

- Emit (from all project sources, both stationary and mobile) less than 240 pounds per day for ROC and NO_x, and 80 pounds per day for PM₁₀;
- Emit less than 25 pounds per day of ROC or NO_x from motor vehicle trips only;
- Not cause a violation of any California or National Ambient Air Quality Standard (except ozone);
- Not exceed the APCD health risks public notification thresholds adopted by the APCD Board; and
- Be consistent with the adopted federal and state air quality plans for Santa Barbara.

Short-Term (Construction) Impacts Guidelines: Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter (PM₁₀). Substantial dust-related impacts may be potentially significant, but are generally considered mitigable with the application of standard dust control mitigation measures. Standard dust mitigation measures are applied to projects with either significant or less than significant effects.

Exhaust from construction equipment also contributes to air pollution. Quantitative thresholds of significance are not currently in place for short-term or construction emissions. However, SBCAPCD uses combined emissions from all construction equipment that exceed 25 tons of any pollutant except carbon monoxide within a 12-month period as a guideline threshold for determining significance of construction emission impacts.

Cumulative Impacts and Consistency with Clean Air Plan: If the project-specific impact exceeds the ozone precursor significance threshold, it is also considered to have a considerable contribution to cumulative impacts. When a project is not accounted for in the most recent Clean Air Plan growth projections, then the project's impact may also be considered to have a considerable contribution to cumulative air quality impacts. The Santa Barbara County Association of Governments and Air Resources Board on-road emissions forecasts are used as a basis for vehicle emission forecasting. If a project provides for increased population growth beyond that forecasted in the most recently adopted CAP, or if the project does not incorporate appropriate air quality mitigation and control measures, or is inconsistent with APCD rules and regulations, then the project may be found inconsistent with the CAP and may have a significant impact on air quality.

Global Climate Change: According to recent amendments to Appendix G of the CEQA Guidelines, a project would have significant impacts related to greenhouse gas emission if it would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. A number of state and regional agencies within California are currently working to develop procedures to determine specifically how this significance determination should be interpreted and to develop plans and policies for the reduction of greenhouse gas emissions. In the meantime, projects should be designed to reduce greenhouse gas emissions to the extent reasonably possible.

Air Quality – Existing Conditions and Project Impacts

2.a) Clean Air Plan

The project would result in the addition of one housing unit to the City. Direct and indirect emissions associated with the project are accounted for in the 2007 Clean Air Plan (CAP) emissions growth assumptions. The 2007 CAP uses 2002 Regional Growth Forecasts from the Santa Barbara Council of Governments (SBCAG) as a basis for its emission estimates. The 2002 SBCAG Regional Growth Forecast states that the projection for residential growth in Santa Barbara in the five year period from 2005 to 2010 is 554 housing units. The City of Santa Barbara records indicate that a total of 526 new units were issued Certificates of Occupancy (C of O) from 2005 to 2010, slightly below the growth assumption of 554 units. Therefore, the project is within the growth assumptions used for the preparation of the CAP. Appropriate air quality mitigation measures, including construction dust suppression, would be applied to the project, consistent with CAP and City policies. The project could be found consistent with the 2007 Clean Air Plan; therefore, impacts would be less than significant.

2.b-f) Air Pollutant Emissions, Sensitive Receptors, and Cumulative Impacts

Long-Term (Area Source & Operational) Emissions:

Substantial long-term project emissions could potentially stem from stationary sources which may require permits from the APCD and from motor vehicles associated with the project and from mobile sources. Examples of stationary emission sources that require permits from APCD include gas stations, auto body shops, diesel generators, boilers and large water heaters, dry cleaners, oil and gas production and processing facilities, and wastewater treatment facilities. As proposed, the project would be a single-family residence, with all of the uses and vehicle trips associated with this type of development, and does not include any stationary sources. Utilizing the URBEMIS 9.2.4 computer model (*Exhibit G*) and SBAPCD emission factor data, it is estimated that the proposed project would generate the following combined operational (vehicle) emissions and area source emissions:

Pollutant	Vehicle (lbs/day)	Stationary/ Area Source (lbs/day)	Combined (lbs/day)	SBAPCD Threshold (lbs/day)
ROC	0.08	0.07	0.15	motor vehicle sources: 25; all sources combined: 240
NO _x	0.11	0.01	0.12	motor vehicle sources: 25; all sources combined: 240
PM ₁₀	0.13	0	0.13	all sources combined: 80

Project-related vehicle emissions would be well below the threshold of significance of 25 pounds per day for both ROC and NO_x. The combined operational (vehicle), area, and stationary source emissions from all long term project sources would be well below the SBAPCD threshold of 240 pounds per day of ROC or NO_x and 80 pounds per day of PM₁₀. Therefore, the proposed project is anticipated to have a *less than significant* effect on long term air quality.

Short-Term (Construction) Emissions:

Construction of the proposed project could result in emissions of pollutants due to grading, fumes, and vehicle exhaust. Utilizing the URBEMIS 9.2.4 computer model and SBAPCD emission factor data, it is estimated that the proposed project would generate the following construction emissions from all sources:

Pollutant	Proposed Construction Emissions (tons/year)		
ROC	0.18		
NO _x	1.36		
CO	0.83		
SO ₂	0		
PM ₁₀	0.19		
PM _{2.5}	0.10		
Total Proposed Emissions (tons/year)	2.66	SBAPCD Total Emissions Threshold (tons/year)	25

Sensitive receptors (single family residences) located adjacent to the project site could be affected by dust and particulates during project site grading and vehicle exhaust from construction equipment. The project would involve grading, paving, and landscaping activities which could cause localized dust related impacts resulting in increases in particulate matter (PM₁₀ and PM_{2.5}). APCD recommends standard dust control measures for any discretionary project involving earth-moving activities. Dust-related impacts to sensitive receptors would be *less than significant*, and would be further reduced with implementation of the recommended mitigation measures.

Diesel and gasoline powered construction equipment also emit particulate matter, NO_x, and ROC. In order for emissions from construction equipment to be considered a significant environmental impact, combined emissions from all construction equipment would need to exceed 25 tons of any pollutant (except carbon monoxide) within a 12-month period. As shown in the table above, the combined emissions is 2.66 tons per year. Therefore, the proposed project is anticipated to have a *less than significant* effect on the environment. However, the APCD recommends measures for limiting vehicle exhaust, which are identified below as recommended mitigation measures.

Global Climate Change:

Sources of carbon dioxide emissions that could result from the project include project-related traffic, natural gas use, landscape maintenance, consumer product use, solid waste generations, site lighting, and potable water delivery. Short-

term and long-term direct emissions of carbon dioxide that would result from the development of the project were estimated using the URBEMIS 9.2.4 computer program and SBAPCD emission factors as follows:

Construction CO ₂ Emissions (tons/year)	Proposed Operational CO ₂ Emissions (lbs/day)	Threshold
150.55	87.19	N/A

The California Energy Commission (CEC) estimates that California emissions in 2004 were approximately 492 Million Metric Tons of Carbon dioxide equivalent (MMTCO₂e). The project's long-term direct emissions of carbon dioxide would not hinder the State's attainment of greenhouse gas emission reductions under AB 32 (173 million metric tons of carbon dioxide equivalents by 2020). Vehicle trips are part of the CO₂ calculation and the project-related average daily trips and vehicle miles traveled are also very small. The project's potential impacts on circulation systems (public transit, bicycle, pedestrian, and vehicle) are included in the Transportation/Circulation section of this Initial Study. The project would be required to comply with the California 2008 Building Energy Efficiency Standards. Construction emissions would be limited to the construction period and would be reduced through construction equipment emission control measures identified below as recommended mitigation measures.

Development and long-term operation of the proposed single family residence on the project site would also result in the generation of indirect CO₂ emissions. However, the indirect CO₂ emissions associated with energy use, solid waste and water conveyance for one single family residence would not result in substantial greenhouse gas emissions² or hinder the State's attainment of greenhouse gas emission reductions under AB 32.

Finally, the project would not exceed other air quality significance thresholds adopted by the APCD. The project would, therefore, not result in substantial greenhouse gas emissions or impede the ability of the State to attain greenhouse gas reduction goals and impacts would be considered less than significant.

2.g) Odors

The project is limited to residential use. The project would not contain features with the potential to emit substantial odorous emissions or smoke, from sources such as commercial cooking equipment, combustion or evaporation of fuels, sewer systems, or solvents and surface coatings. Due to the nature of the proposed land use and limited size of the project, project impacts related to odors would be considered less than significant.

Air Quality – Recommended Mitigation

- AQ-1 Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
- AQ-2 Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches.
- AQ-3 Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe grid track out control device shall be installed at all access point to prevent tracking of mud onto public roads.
- AQ-4 Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

² SBCAPCD does not have any screening levels for GHGs; however, as a reference, the Bay Area Air Quality Management District (May 2011) uses 56 new single family residences as the screening size for analyzing GHG emissions. The project is substantially below this criteria.

- AQ-5 Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
- Seeding and watering until grass cover is grown;
 - Spreading soil binders;
 - Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - Other methods approved in advance by the Air Pollution Control District.
- AQ-6 Construction Dust Control – Surfacing.** All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-7 Stockpiling.** If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared.
- AQ-8 Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.
- AQ-9 Engine Size.** The engine size of construction equipment shall be the minimum practical size.
- AQ-10 Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- AQ-11 Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications.
- AQ-12 Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- AQ-13 Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
- AQ-14 Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible.
- AQ-15 Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible.
- AQ-16 Portable diesel equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit.
- AQ-17 Mobile construction equipment.** Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm

Air Quality - Residual Impacts

Less than significant.

3. BIOLOGICAL RESOURCES		NO	YES
Could the project result in impacts to:			<i>Level of Significance</i>
a)	Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?		Potentially Significant, Mitigable
b)	Locally designated historic, Landmark or specimen trees?	X	
c)	Natural communities (e.g. oak woodland, coastal habitat, etc.).		Potentially Significant, Mitigable
d)	Wetland habitat (e.g. marsh, riparian, and vernal pool)?	X	
e)	Wildlife dispersal or migration corridors?		Potentially Significant, Mitigable

Biological Resources - Discussion

Issues: Biological resources issues involve the potential for a project to substantially affect biologically-important natural vegetation and wildlife, particularly species that are protected as rare, threatened, or endangered by federal or state wildlife agencies and their habitat, native specimen trees, and designated landmark or historic trees.

Impact Evaluation Guidelines: Existing native wildlife and vegetation on a project site are qualitatively assessed to identify whether they constitute important biological resources, based on the types, amounts, and quality of the resources within the context of the larger ecological community. If important biological resources exist, project effects to the resources are qualitatively evaluated to determine whether the project would substantially affect these important biological resources. Significant biological resource impacts may potentially result from substantial disturbance to important wildlife and vegetation in the following ways:

- Elimination or substantial reduction or disruption of important natural vegetative communities and wildlife habitat or migration corridors, such as oak woodland, coastal strand, riparian, and wetlands.
- Substantial effect on protected plant or animal species listed or otherwise identified or protected as endangered, threatened or rare.
- Substantial loss or damage to important native specimen trees or designated landmark or historic trees.

Biological Resources – Existing Conditions and Project Impacts

The City's updated Master Environmental Assessment (MEA) maps identify the project site as Upland Habitat, specifically ruderal (typically disturbed fields) and ornamental trees-landscape (residential areas).

Biological resources could be affected by the proposed development. The project site does not contain Coastal Perennial Grasslands or Southern Oak Woodland, but it does contain coastal sage scrub habitat, which is identified by the Conservation Element as an important environmentally sensitive biotic community that supports "a surprising number and variety of animals...due to the diversity of forage plants and availability of cover." Coastal sage scrub is identified as having a medium sensitivity to environmental changes. The project site is located on the eastern edge of a relatively large stretch of undeveloped open space that is mostly privately owned, but also includes City property developed with Vic Trace Reservoir. Much of this open space consists of non-native grassland; however, there are approximately three contiguous acres of coastal sage scrub habitat located primarily to the west and south of the project site. Off-site, to the west, is a small ephemeral drainage with no signs of riparian vegetation. Honda Valley Park, a large, continuous forested space, is located approximately 800 feet north of the project site. The development envelope is dominated by non-native grass and weeds; however, the property itself contains a small amount of remnant coastal sage scrub habitat, and removal of a portion of the coastal sage scrub will be required due to required fuel modification around the new house.

The General Plan includes goals and policies in the Conservation Element related to Biological Resources that apply to the project site, which are listed below.

Biological Resources Goal – "Enhance and preserve the City's critical ecological resources in order to provide a high-quality environment necessary to sustain the City's ecosystem."

Biological Resources Policy 4.0 – “Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible.”

Biological Resources Policy 5.0 – “The habitats of rare and endangered species shall be preserved.”

3.a, c, e) Endangered, threatened or rare species or their habitats; Natural Communities; Wildlife dispersal or migration corridors

A Biological Assessment and Addendum, incorporated herein by reference, was prepared for the project by Rachel Tierney (dated May 26, 2010 and September 16, 2010, respectively) (*Exhibit H*), and finds that the project area consists of “highly disturbed non-native grassland and a small amount of remnant coastal sage scrub habitat.” The development envelope on the project site is dominated by non-native grass and weeds and is located over 100 feet from the ephemeral drainage to the west.

According to the Biological Assessment and Addendum, the site continues to support moderate- to high-quality wildlife habitat despite being surrounded by residential development. Amphibians, reptiles, birds and mammals are expected to inhabit the project site. No sensitive plant or animal species listed or proposed for listing by federal or state agencies are known or expected to inhabit the project site. Two sensitive plant species are known to be found locally, although they were not found on-site: Plummer’s baccharis and Santa Barbara honeysuckle. The following special-status wildlife species (California Species of Concern and/or Federal Species of Concern) are known to be found locally but were not found on the site during the site visit and are not known to previously occur on the site: legless lizard and coast horned lizard; avian species such as northern harrier, white-tailed kite, coopers hawk, sharp-shinned hawk and common yellow throat; and monarch butterflies. While some sensitive birds may forage onsite during non-breeding months, they are not expected to nest on site. The monarch butterfly and silvery legless lizard are not expected on site, and no impacts to them are expected. The Pallid bat (a California Species of Concern) may occasionally roost and/or forage on site but was not found of the site during the site visit and is not known to be there.

Coastal sage scrub is a declining natural community throughout the South Coast and in southern California. Although not identified as “sensitive habitat” by any state or federal regulating authority, the rapid loss of coastal sage habitat has led to the preservation and protection of intact, large stands whenever possible. An estimated 568 acres of intact stands of this habitat exist on hillsides throughout the City, with the largest areas of relatively undisturbed habitat occurring in the Las Positas Valley and in the foothills. Potential incremental development within and adjacent to scrub habitats in the City includes single-family homes, minor land divisions, and secondary facilities including driveways, water lines, and landscaping. Potentially significant impacts of future development could include temporary construction disturbance, incremental direct loss of habitat, and fragmentation of larger habitat and corridors. Long-term habitat and species disturbance could also occur due to human activities such as vehicle use, noise, lighting, pets, landscaping with invasive plants, and periodic vegetation clearing for fire management. Removal or fragmentation of coastal sage scrub habitat could impact special status wildlife such as the silvery legless lizard, and more common species such as Bewick’s wren. Special status plant species impacted may include Davidson’s saltscale, Santa Barbara honeysuckle and Hoffmann’s sanicle. Generally, contiguous areas of undisturbed coastal sage scrub of 5 acres or more could be considered a large enough area to consider preservation or avoidance measures, given the value of large contiguous undisturbed areas on open space, views, and bird and raptor and wildlife foraging.

Long-Term Impacts: The new residence is proposed to be located in the uppermost portion of the site, which contains disturbed non-native, annual grassland. Therefore, construction of the residence itself would not have a direct impact on sensitive habitat. However, the project site is located in a High Fire Hazard Area (refer to Section 6, Hazards for additional information), which means that fuel management to create defensible space is required around the footprint of the development. The City’s High Fire Hazard Area Landscape Guidelines require four vegetation management zones extending to a total of 100 feet from the proposed residence.

The Biological Assessment and Addendum analyzed potential loss of habitat due to fuel management.³ Fuel Management Zone 1 (0-30 feet from structure) would not result in loss of sensitive habitat. Fuel Management Zone 2 (30-50 feet from structure) would result in the loss of 1,320 square feet of coastal sage scrub. Fuel Management Zone 3 (50-70 feet from structure) would result in the loss of 1,800-1,930 square feet of coastal sage scrub. Much of the coastal sage scrub in Zone 3 consists of undesirable species (*Artemisia californica*, *Baccharis pilularis* and *Salvia mellifera*) from a fire hazard perspective, and therefore it is recommended for removal rather than allowing it to remain in a managed state. Fuel Management Zone 4 (70-100 feet from structure) would result in the temporary loss of 2,815 square feet of coastal sage scrub due to selective thinning of native shrubs required every 3 to 5 years. Impacts to habitat value can be mitigated if

³ The Biological Assessment analyzed a slightly larger building footprint (included a pool and breezeway to garage) than the current proposal, so actual areas of disturbance due to fuel management would be slightly less than identified therein and referenced herein.

coastal sage scrub is appropriately thinned. Total loss of coastal sage scrub would be approximately 6,000 square feet (0.14-acre). Loss of coastal sage scrub due to fuel modification is considered a potentially significant, mitigable impact. Mitigation involves implementation of an environmentally sensitive approach to fuel management that will maintain some native scrub in Zone 3 and maintain scrub in Zone 4. This environmentally sensitive approach to the Fuel Management / Landscape Plan also addresses erosion, drainage and aesthetic concerns (as well as long-term maintenance) by requiring selective thinning (mosaic approach) rather than complete removal of coastal sage scrub, minimal irrigation (while remaining compliant with Fire Management requirements) and deep-rooted vegetation that will not require frequent maintenance or thinning. See additional discussion in Aesthetics and Geophysical Conditions sections.

The contiguous coastal sage scrub area in the project vicinity is approximately three acres and partially disturbed. With implementation of Mitigation Measure BIO-1, the removal of 6,000 square feet (0.14-acre) of coastal sage scrub would result in less than significant impacts to biological habitats.

Short-Term Impacts: Raptors and possibly other sensitive birds may forage on-site in non-breeding months; however, sensitive fauna are not expected to nest within the project site. Birds that may nest on-site would be common to this area and elsewhere. No sensitive animals are known from this site. Any sensitive species that may occur would be found within the scrub, and not within the disturbed grassland where all construction is proposed. Other animals that may frequent or breed on-site are expected to be common to the area. Therefore, temporary direct (e.g. ground disturbance) and indirect (e.g. noise, increased human activity) impacts resulting from construction of the residence and associated improvements would have an adverse but less than significant impact on sensitive species. However, given the large size of the project site and adjacent contiguous open space, the potential for vegetation removal activities to impact nesting migratory birds protected under the Federal Migratory Bird Treaty Act is higher than for average sites. This potential impact is potentially significant, mitigable with required mitigation measure BIO -2 to avoid clearing during the bird nesting season.

Cumulative Impacts: The project represents an incremental loss of habitat resources. Therefore, cumulative impacts are considered a potentially significant, mitigable impact. Mitigation Measure BIO-1 would minimize the loss of coastal sage scrub habitat due to fuel modification. The resultant loss would be considered a less than significant cumulative impact due to the remaining permanent open space located nearby (Honda Valley, Elings Park and Douglas Family Preserve) and the limited size and disturbance associated with the habitat in the project vicinity.

3.b) Specimen Trees

No impacts to locally designated historic, Landmark or specimen trees would occur as a result of the proposed project since no such resources exist on the site.

3.d) Wetland Habitat

No impacts to wetland habitats would occur as a result of the proposed project since no such resources exist on the site.

Biological Resources – Required Mitigation

BIO-1 Fuel Management / Landscape Plan. The following strategies for an environmentally sensitive vegetation management approach shall be incorporated into the required Fuel Management / Landscape Plan, consistent with the City's High Fire Hazard Area Landscape Requirements. This Plan shall be reviewed and approved by the City's Environmental Analyst and Fire Department prior to Project Design Approval by the Single Family Design Board.

Zone 1 (0-30 feet from structures) – Shall remain free of non-irrigated, woody vegetation. All vegetation within 30 feet of the residence and other structures shall be moisture retaining irrigated groundcover, shrubs, and/or trees.

Zone 2 (30-50 feet from structures) – Shall be landscaped with fire resistant, drought tolerant, deep-rooted, irrigated plants. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses are mowed elsewhere. Remove non-irrigated ladder fuels and deadwood annually.

Zone 3 (50-70 feet from structures) – Shall be landscaped with fire resistant, drought tolerant, deep-rooted, native irrigated plants. Irrigation is required to establish and maintain vegetation, but minimal irrigation should be provided given slope and erosion concerns. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses are mowed elsewhere. Existing native shrubs shall remain, but be thinned to 15-foot centers with roots left intact. Remove non-irrigated ladder fuels and deadwood annually.

Zone 4 (70-100 feet from structures) – Vegetation shall remain and be treated every 3 to 5 years to remove deadwood and up to a total of 50% cover. Roots shall be left intact. No irrigation should be located in this zone.

The Fuel Management / Landscape Plan shall include, to the maximum extent permitted by the Fire Department, the

following:

- Maintenance of existing coastal sage scrub to the maximum extent feasible consistent with Fire Department requirements.
- Native, drought-tolerant and deep-rooted vegetation.
- Temporary, rather than permanent, irrigation to establish new landscaping. Any approved temporary irrigation must be removed once plants have established themselves.
- Non-irrigated plantings in Zone 4 to the extent allowable.
- Plant spacing at such a distance that plants at maturity will not require frequent pruning.
- Plant species shall be chosen based on a preference for plants that will not require frequent maintenance such as pruning.

BIO-2 Avoidance of Bird Nesting Season. Removal of coastal sage scrub, and any trees if applicable, should take place outside of the breeding bird season (February 1-August 15). If these activities can not feasibly be avoided during the breeding bird season, the applicant shall submit a contract with a qualified biologist to conduct a survey of all areas within 300 feet of the shrub removal area to determine presence and behavior of birds, raptors, and other sensitive species. The surveys should occur no more than 7 days prior to any project operations. In the event that any sensitive wildlife species, raptors, or other birds exhibit reproductive or nesting behavior, development activities shall be halted until the contract biologist and City Environmental Analyst have determined that sufficient measures have been taken to avoid impacts to nesting or breeding birds or sensitive species. These measures are likely to include postponement of work within 300 feet from the nest (could be larger for some species) until nests are vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting.

Biological Resources - Residual Impacts

Less than significant.

4. CULTURAL RESOURCES	NO	YES
Could the project:		<i>Level of Significance</i>
a) Disturb archaeological resources?	X	
b) Affect a historic structure or site designated or eligible for designation as a National, State or City landmark?	X	
c) Have the potential to cause a physical change which would affect ethnic cultural values or restrict religious uses?	X	

Cultural Resources - Discussion

Issues: Archaeological resources are subsurface deposits dating from Prehistoric or Historical time periods. Native American culture appeared along the channel coast over 10,000 years ago, and numerous villages of the Barbareno Chumash flourished in coastal plains now encompassed by the City. Spanish explorers and eventual settlements in Santa Barbara occurred in the 1500's through 1700's. In the mid-1800's, the City began its transition from Mexican village to American city, and in the late 1800's through early 1900's experienced intensive urbanization. Historic resources are above-ground structures and sites from historical time periods with historic, architectural, or other cultural importance. The City's built environment has a rich cultural heritage with a variety of architectural styles, including the Spanish Colonial Revival style emphasized in the rebuilding of Santa Barbara's downtown following a destructive 1925 earthquake.

Impact Evaluation Guidelines: Archaeological and historical impacts are evaluated qualitatively by archeologists and historians. First, existing conditions on a site are assessed to identify whether important or unique archaeological or historical resources exist, based on criteria specified in the State CEQA *Guidelines* and City Master Environmental Assessment *Guidelines for Archaeological Resources and Historical Structures and Sites*, summarized as follows:

- Contains information needed to answer important scientific research questions and there exists a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with an important prehistoric or historic event or person.

If important archaeological or historic resources exist on the site, project changes are evaluated to determine whether they would substantially affect these important resources.

Cultural Resources – Existing Conditions and Project Impacts

4.a) Archaeological Resources

The project would result in grading and construction of one new single-family residence within the proposed development envelope. The proposed project would have no impact to archaeological resources because the project site is not located in any cultural resource sensitivity areas according to the City's MEA and no archaeological resources are therefore expected to occur in the project area.

4.b) Historic Resources

The proposed project would have no impact on historic resources because the project site is currently vacant and no existing historic resources have been identified on the project site or adjacent sites.

4.c) Ethnic/Religious Resources

There is no evidence that the site involves any ethnic or religious use or importance. The project would have no impact on historic, ethnic or religious resources.

Cultural Resources – Mitigation

No mitigation is required.

Cultural Resources - Residual Impacts

No impact.

5. GEOPHYSICAL CONDITIONS		NO	YES
Could the project result in or expose people to:			<i>Level of Significance</i>
a)	Seismicity: fault rupture?		Less Than Significant
b)	Seismicity: ground shaking or liquefaction?		Less Than Significant
c)	Seismicity: seiche or tsunami?	X	
d)	Landslides?		Potentially Significant, Mitigable
e)	Expansive soils?		Less Than Significant
f)	Excessive grading or permanent changes in the topography?		Potentially Significant, Mitigable

Geophysical Conditions - Discussion

Issues: Geophysical impacts involve geologic and soil conditions and their potential to create physical hazards affecting persons or property; or substantial changes to the physical condition of the site. Included are earthquake-related conditions such as fault rupture, groundshaking, liquefaction (a condition in which saturated soil loses shear strength during earthquake shaking); or seismic sea waves; unstable soil or slope conditions, such as landslides, subsidence, expansive or compressible/collapsible soils; or erosion; and extensive grading or topographic changes.

Impact Evaluation Guidelines: Potentially significant geophysical impacts may result from:

- Exposure to or creation of unstable earth conditions due to seismic conditions, such as earthquake faulting, groundshaking, liquefaction, or seismic waves.

- Exposure to or creation of unstable earth conditions due to geologic or soil conditions, such as landslides, settlement, or expansive, collapsible/compressible, or expansive soils.
- Extensive grading on slopes exceeding 20%, substantial topographic change, destruction of unique physical features; substantial erosion of soils, overburden, or sedimentation of a water course.

Geophysical Conditions – Existing Conditions and Project Impacts

A Preliminary Geologic Investigation (dated November 10, 2010) was prepared for the proposed project by Coastal Geology & Soil, Inc. and is incorporated herein by reference (*Exhibit I*) and summarized below. A Foundation Exploration (dated March 11, 2008) and Report Update/Response (dated October 13, 2010) were prepared for the project by Coast Valley Testing and are incorporated herein by reference (*Exhibit J*) and summarized below.

5.a-c) Seismic Hazards

Fault Rupture: The project site is not located in an Alquist-Priolo Special Studies Zone, and no known active or potentially active faults have been identified on the project site. The closest mapped faults to the site are the Lavigia fault (inactive) and Mesa fault (active). Uniform Building Codes provide for residential construction standards to address earthquake groundshaking. Project impacts related to fault rupture would be less than significant because there are no known active faults on the project site and no evidence of primary ground surface fault rupture was observed within the proposed development area.

Ground Shaking and Liquefaction: The project site is located in a seismically active area of southern California. Significant ground shaking as a result of a local or regional earthquake is likely to occur during the life of the project. According to the Geologic Investigation the site is not believed to be affected by secondary ground failure phenomena such as liquefaction or excessive ground settlement caused by strong ground shaking. Impacts related to ground shaking and liquefaction are considered less than significant.

Seiche or Tsunami:

The project site is located outside the tsunami run-up zone, as delineated in the City's Master Environmental Assessment Maps. Therefore, the project would have no impact related to tsunami hazards. Seiche most commonly occurs in lakes, bays and harbors, but can even occur in swimming pools. The Vic Trace Reservoir is the closest body of water to the project site; however, because it is covered it does not present a seiche risk. Therefore, the project would have no impact related to seiche hazards.

5.d-e) Geologic or Soil Instability

Landslides: The City MEA Maps identify the project site as having a high relative landslide potential. The Geologic Investigation states that no surface evidence of recent landslide activity or ancient or recent deep-seated landslides or past large-scale surficial slope failures was observed onsite. The Geologic Investigation concludes that the site is suitable, from a geologic perspective, for development of a single-family residence and associated improvements provided that certain soils and geologic engineering recommendations are implemented in the grading and foundation design. These recommendations include construction of approximately 36 caissons that would be 15-20 feet in depth. The Foundation Exploration done for the project site included a slope stability analysis, and, based on the results of that analysis, they concluded that the project site is safe for the proposed development. Full compliance with these geologic recommendations or updated recommendations of another registered geologist will be required as standard protocol prior to issuance of building permit and has been included as a mitigation measure related to grading. Impacts associated with landslides are considered less than significant.

The Geologic Investigation found that the proposed building pad is located in an area where adverse bedding planes have the potential to exist. Although not likely given the underlying Santa Barbara formation, there is the potential for these slopes to fail. If adverse bedding planes are discovered during grading, remedial action would be necessary to stabilize the slope for both the short- and long-term. This could include the implementation of more gradual cut slopes (e.g. 3:1 rather than 2:1) during construction, or changes to the retaining wall design (e.g. depth of footings or width of wall) to reduce the likelihood of failure. Although remedial action would be required, it is unlikely that it would result in significant changes to the site grading or have a significant secondary impact (e.g. on Aesthetics). This is considered a potentially significant, mitigable impact as it relates to geologic or soil instability, and would be reduced to a less than significant level through mitigation measure GEO-1.

Expansive Soils: The Foundation Exploration (also referred to herein as a Soils Report) determined that the project site's surface soils are considered moderately expansive. A very small portion of the project site (northwestern corner) contains soils designated as moderately high expansive clay soil. No habitable structures are proposed in this area, and impacts

related to expansive soils are considered less than significant.

5.f) Topography; Grading

The project site has an average slope of 41%. The development envelope (identified as five feet outside the footprint of the building and patio, extending to the northern property line, including a majority of the driveway) has an average slope of 35%. The development envelope represents 21% of the total site area. The project would involve approximately 765 cubic yards (c.y.) of grading, consisting of 594 c.y. of cut and 171 c.y. of fill, and resulting in 423 c.y. of export. Proposed development has been designed to be cut into the existing hillside, and would be constructed on caissons, thereby resulting in a relatively small amount of grading onsite and little overall change to existing topography. The caissons (minimum 18 inches in diameter) will vary in depth from 15-20 feet, and it is estimated that approximately 36 caissons will be required for the proposed residence. Utilizing the proposed caisson design minimizes grading on site. Any changes to this design could result in impacts related to grading and erosion. The proposed foundation design represents a potentially significant, mitigable impact related to grading. Mitigation Measure GEO-2 would ensure grading is conducted in a manner that would not cause adverse erosion or surficial slope failures. In addition, standard conditions of approval require the project applicant to prevent erosion impacts during construction through immediate planting and stabilization of graded slopes, covering stock piled materials, minimizing grading and stockpiling periods, etc. With the implementation of these measures, impacts related to grading would be less than significant. However, a mitigation measure is also recommended to ensure that this design utilizing caissons does not change as part of the building permit process, and that any substantial addition of grading amounts to the plans would require additional project and environmental review.

The project site is located in a High Fire Hazard Area. As a result, certain fuel management activities are required within 100 feet of the proposed structure. Changes to existing planting, installation of new planting, or excessive irrigation or clearance of vegetation have the potential to cause erosion if not designed and managed properly. Therefore, landscaping activities are considered potentially significant, mitigable. Mitigation (BIO-1) includes the use of drought-tolerant, deep-rooted plants, utilizing only temporary irrigation where appropriate, and designing to minimize maintenance/removal over time.

The proposed stormwater management plan includes a permeable driveway, underground cisterns capable of holding a one-inch storm event, and a vegetated swale/French drain system with outlet to an energy dissipater to prevent erosion. This stormwater management plan has been reviewed by the geologist and was deemed acceptable with regard to erosion and slope stability. Therefore, drainage and stormwater management represents a less than significant impact related to erosion. However, a mitigation measure is recommended to ensure that this design is not changed without review and approval by a geologist.

Geophysical Conditions – Required Mitigation

GEO-1 Grading. Any cut slopes created during grading activities shall be observed by an engineering geologist to determine if adverse bedding planes exist onsite. If adverse bedding planes are observed during grading operations, remedial actions, including, but not limited to increasing the thickness and/or footing depth of retaining walls or decreasing the inclination of cut or temporarily overexcavated slopes (e.g. from a run:rise of 2:1 to 3:1), shall be recommended at that time.

GEO-2 Soils Report. The project shall comply with the recommendations of the Foundation Exploration prepared for the site by Coast Valley Testing, Inc, dated March 11, 2008 and the Update by same dated October 13, 2010. Submit to the Building and Safety Division a copy of these reports and any applicable or appropriate revisions/amendments and implement the recommendations outlined in the report.

See also BIO 1.

Geophysical Conditions – Recommended Mitigation

GEO-3 Caissons and Grading. The foundation design for any new residence on the project site shall utilize caissons to minimize grading and erosion on site. Any changes to this proposed design or the addition of significant amounts of grading will require additional environmental analysis.

GEO-4 Stormwater Management. Any changes to the approved Storm Drainage and Hydrology Report prepared by Mike Gones and dated October 2010 must be reviewed and approved by a geologist to ensure that there are no adverse impacts related to erosion.

Geophysical Conditions – Residual Impacts

Less than significant.

6. HAZARDS		NO	YES <i>Level of Significance</i>
Could the project involve:			
a)	A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?		Less Than Significant
b)	The creation of any health hazard or potential health hazards?		Less Than Significant
c)	Exposure of people to existing sources of potential health hazards?		Potentially Significant, Mitigable
d)	Increased fire hazard in areas with flammable brush, grass, or trees?		Less Than Significant

Hazards - Discussion

Issues: Hazardous materials issues involve the potential for public health or safety impacts from exposure of persons or the environment to hazardous materials or risk of accidents involving combustible or toxic substances.

Impact Evaluation Guidelines: Significant impacts may result from the following:

- Siting of incompatible projects in close proximity to existing sources of safety risk, such as pipelines, industrial processes, railroads, airports, etc.
- Exposure of project occupants or construction workers to unremediated soil or groundwater contamination.
- Exposure of persons or the environment to hazardous substances due to improper use, storage, or disposal of hazardous materials.
- Siting of development in a high fire hazard areas or beyond adequate emergency response time, with inadequate access or water pressure, or otherwise in a manner that creates a fire hazard

Hazards – Existing Conditions and Project Impacts

6.a,b) Hazardous Substances/Health Hazards

The proposed residential use is not anticipated to create any new hazards because residential uses involve the use of only small amounts of hazardous materials such as paints, oils, cleaning supplies, pesticides, automotive fluids, etc. There are several existing programs designed to inform the public of this issue and provide opportunities to dispose of household hazardous waste. Construction on the project site would result in the use of equipment that involves fuel and oil use. In the unlikely event of an oil or fuel spill, the project would be subject to all applicable State and local requirements for management of spill clean up. The proposed project impact from the release of hazardous substances or the creation of any health hazard would be *less than significant* because of the limited quantities of hazardous materials that would be used on the project site, and because any usage of hazardous materials would be subject to all applicable State and local requirements for management and disposal of such materials.

6.c) Exposure to Health Hazards

The U.S. Environmental Protection Agency recommends four picocuries per liter as the action level for radon reduction. The project site is located in an area defined as having a high potential for indoor radon levels above four picocuries per liter. The submitted soils report has identified radon as a hazard on this property and has recommended several measures to mitigate this *potentially significant, mitigable* impact. Mitigation requiring below-slab ventilation and other construction measures intended to reduce radon accumulation indoors would reduce any impacts associated with potential exposure to radon to a less than significant level.

6.d) Fire Hazard

The project would result in the construction of one new single-family residence in a High Fire Hazard Area. Specifically, the project site is located in the Coastal Interior High Fire Hazard Area, which is considered to have potential fire behavior of moderate to high. Risk factors for this area are associated with combustible roofs on existing structures, the density of homes in the area, and their location adjacent to undeveloped lands that increase their exposure to radiant heat from burning vegetation.

Development located in the High Fire Hazard Area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures.

The proposed project impacts related to wildland fire hazard would be *less than significant* through compliance with the City's Coastal Interior High Fire Hazard Area Landscape Requirements for vegetation clearance and landscape design, as well as all Fire Department and California Building and Fire Code requirements for adequate access, structural design and materials. While fuel modification plans are required of all projects in the High Fire Hazard Area, project-specific measures needed to protect against erosion, biological and visual impacts, as discussed in the Aesthetics, Biological and Geological Resources Sections, necessitates final review of the fuel modification plan by the Environmental Analyst and Fire Department pursuant to required mitigation measure BIO-1.

Hazards – Required Mitigation

H-1 Radon. Any structures constructed for human habitation should incorporate adequate ~~below-slab~~ ventilation to allow any naturally occurring radon gas emissions to ventilate, rather than accumulating indoors. Information on construction measures intended to reduce radon accumulation indoors shall be provided to the Building and Planning Divisions as part of construction drawings prior to issuance of a building permit.

See also BIO-1.

Hazards – Residual Impacts

Less than significant.

7. NOISE	NO	YES
Could the project result in:		<i>Level of Significance</i>
a) Increases in existing noise levels?		Less Than Significant
b) Exposure of people to severe noise levels?		Less Than Significant

Noise - Discussion

Issues: Noise issues are associated with siting of a new noise-sensitive land use in an area subject to high ambient background noise levels, siting of a noise-generating land use next to existing noise-sensitive land uses, and/or short-term construction-related noise.

The primary source of ambient noise in the City is vehicle traffic noise. The City Master Environmental Assessment (MEA) *Noise Contour Map* identifies average ambient noise levels within the City.

Ambient noise levels are determined as averaged 24-hour weighted levels, using the Day-Night Noise Level (L_{dn}) or Community Noise Equivalence Level (CNEL) measurement scales. The L_{dn} averages the varying sound levels occurring over the 24-hour day and gives a 10 decibel penalty to noises occurring between the hours of 10:00 p.m. and 7:00 a.m. to take into account the greater annoyance of intrusive noise levels during nighttime hours. Since L_{dn} is a 24-hour average noise level, an area could have sporadic loud noise levels above 60 dB(A) which average out over the 24-hour period. CNEL is similar to L_{dn} but includes a separate 5 dB(A) penalty for noise occurring between the hours of 7:00 p.m. and 10:00 p.m. CNEL and L_{dn} values usually agree with one another within 1 dB(A). The Equivalent Noise Level (L_{eq}) is a single noise level, which, if held constant during the measurement time period, would represent the same total energy as a fluctuating noise. L_{eq} values are commonly expressed for periods of one hour, but longer or shorter time periods may be specified. In general, a change in noise level of less than three decibels is not audible. A doubling of the distance from a

noise source will generally equate to a change in decibel level of six decibels.

Guidance for appropriate long-term background noise levels for various land uses are established in the City General Plan Noise Element Land Use Compatibility Guidelines. Building codes also establish maximum average ambient noise levels for the interiors of structures.

High construction noise levels occur with the use of heavy equipment such as scrapers, rollers, graders, trenchers and large trucks for demolition, grading, and construction. Equipment noise levels can vary substantially through a construction period, and depend on the type of equipment, number of pieces operating, and equipment maintenance. Construction equipment generates noise levels of more than 80 or 90 dB(A) at a distance of 50 feet, and the shorter impulsive noises from other construction equipment (such as pile drivers and drills) can be even higher, up to and exceeding 100 dB(A). Noise during construction is generally intermittent and sporadic, and after completion of the initial demolition, grading and site preparation activities, tends to be quieter.

The Noise Ordinance (Chapter 9.16 of the Santa Barbara Municipal Code) governs short-term or periodic noise, such as construction noise, operation of motorized equipment or amplified sound, or other sources of nuisance noise. The ordinance establishes limitations on hours of construction and motorized equipment operations, and provides criteria for defining nuisance noise in general.

Impact Evaluation Guidelines: A significant noise impact may result from:

- Siting of a project such that persons would be subject to long-term ambient noise levels in excess of the following:
 - **Residential:** Normally acceptable maximum exterior ambient noise level of 70 dB(A); maximum interior noise level of 45 dB(A).
- Substantial noise from grading and construction activity in close proximity to noise-sensitive receptors for an extensive duration.

Noise – Existing Conditions and Project Impacts

7.a-b) Increased Noise Level; Exposure to High Noise Levels

Long-Term Operational Noise:

The project would result in the construction of one new single-family residence in an area subject to average ambient noise levels of less than 60 dB(A), as shown on the City's Master Environmental Assessment noise contour maps. The project would therefore comply not only with the environmental noise level threshold of 70 dB(A), but also with the City's private exterior noise level compatibility criteria of 60 dBA CNEL. No substantial noise generation is anticipated to occur as a result of the proposed residential use. The proposed project's long-term operational noise impacts would be less than significant because the project site would not be subject to high noise levels nor would the project cause high operational noise levels.

Temporary Construction Noise:

The project would result in temporary construction noise due to grading and construction activities for the new home. Uses near the project site are residential. Noise from grading and construction equipment, truck traffic and vibration would affect surrounding residential uses during the construction period of approximately 20-months.

The proposed project impacts from grading and construction would be less than significant because the noise generated would be short term, and generally intermittent and sporadic. The level of the adverse effect from the temporary construction activities would be further reduced through adherence to the City's Noise Ordinance requirements and standard conditions of approval that limit construction to daytime hours when residents are less sensitive to noise increases.

Noise –Mitigation

No mitigation is required.

Noise – Residual Impact

Less than significant.

8. POPULATION AND HOUSING Could the project:	NO	YES Level of Significance
a) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?		Less Than Significant
b) Displace existing housing, especially affordable housing?	X	

Population and Housing - Discussion

Impact Evaluation Guidelines: Issues of potentially significant population and housing impacts may involve:

- Growth inducement, such as provision of substantial population or employment growth or creation of substantial housing demand; development in an undeveloped area, or extension/ expansion of major infrastructure that could support additional future growth.
- Loss of a substantial number of housing units, especially loss of more affordable housing.

Population and Housing – Existing Conditions and Project Impacts

8.a) Growth-Inducing Impacts

Growth-inducing impacts would be *less than significant* because the project site is in an urbanized area that is currently served by all required infrastructure. The project would not involve a substantial increase in major public facilities such as extension of water or sewer lines or roads that would facilitate other growth in the area. The project would not involve substantial employment growth that would increase population and housing demand. Based upon American Community Survey data for 2005-2009, there are an estimated 2.35 residents per household in the City of Santa Barbara. Using that figure, one residential unit would generate approximately 2 to 3 new residents. This would amount to less than 0.01% of the City's 2009 population of 86,353. Existing infrastructure in the area is adequate to serve the proposed project and the small increase in population and housing associated with the new unit would be insufficient to substantially increase demand for services.

8.b) Housing Displacement

The project would not involve any housing displacement. *No impact* would result from the project.

Population and Housing - Mitigation

No mitigation is required.

Population and Housing – Residual Impact

Less than significant.

9. PUBLIC SERVICES Could the project have an effect upon, or result in a need for new or altered services in any of the following areas:	NO	YES <i>Level of Significance</i>
a) Fire protection?		Less Than Significant
b) Police protection?		Less Than Significant
c) Schools?		Less Than Significant
d) Maintenance of public facilities, including roads?		Less Than Significant
e) Other governmental services?		Less Than Significant
f) Electrical power or natural gas?		Less Than Significant
g) Water treatment or distribution facilities?		Less Than Significant
h) Sewer or septic tanks?		Less Than Significant
i) Water distribution/demand?		Less Than Significant
j) Solid waste disposal?		Less Than Significant

Public Services - Discussion

Issues: This section evaluates project effects on fire and police protection services, schools, road maintenance and other governmental services, utilities, including electric and natural gas, water and sewer service, and solid waste disposal.

Impact Evaluation Guidelines: The following may be identified as significant public services and facilities impacts:

- Creation of a substantial need for increased police department, fire department, road maintenance, or government services staff or equipment.
- Generation of substantial numbers of students exceeding public school capacity where schools have been designated as overcrowded.
- Inadequate water, sewage disposal, or utility facilities.
- Substantial increase in solid waste disposal to area sanitary landfills.

Public Services – Existing Conditions and Project Impacts

Facilities and Services: The project site is located in an urban area where all public services are available. In 2005, the City prepared a General Plan Update: 2030 Condition, Trends, and Issues Report (September 2005) that examined existing conditions associated with fire protection, police protection, library services, public facilities, governmental facilities, electrical power, and natural gas. The CTI Report specifically analyzed whether there were deficiencies existing or anticipated for each of the public services. The CTI report determined that police and fire protection services, and library services are being provided at acceptable levels to the City. In addition, the CTI Report determined that electricity, natural gas, telephone, and cable telecommunication services are being provided at acceptable service levels and utility companies did not identify any deficiencies in providing service in the future. Finally, the CTI Report determined that demand for City buildings and facilities will continue to be affected by growth, although no appropriate/acceptable levels of service have been established.

Water: The City of Santa Barbara's water supply comes primarily from the following sources, with the actual share of each determined by availability and level of customer demand: Cachuma Reservoir and Tecolote Tunnel, Gibraltar Reservoir and Mission Tunnel, groundwater, State Water Project entitlement, desalination, and recycled water. Conservation and efficiency improvements are projected to contribute to the supply by displacing demand that would otherwise have to be supplied by additional sources. In 1994, based on the comprehensive review of the City's water supply in the Long Term Water Supply Alternatives Analysis, the City Council approved the Long Term Water Supply Program (LTWSP). The LTWSP outlines a strategy to use the above sources to meet the City's estimated demand of 17,900 AFY (including 1,500 AFY of demand projected to be met with conservation) plus a 10 percent safety margin for a total of 19,700 AFY. Therefore, the target for the amount of water the system will actually have to supply, including the safety margin, is 18,200 AFY. In general, water demand over the last decade has leveled off at approximately 14,000

AFY (City of Santa Barbara 2007). In 2005, the City prepared a General Plan Update: 2030 Condition, Trends, and Issues Report (September 2005) that examined existing conditions associated with water supply, treatment, and distribution system, and specifically analyzed and determined that there were no existing or anticipated deficiencies for the next 20-year planning period based on a growth rate of 0.7% per year.

Solid Waste: Most of the waste generated in the City is transported on a daily basis to seven landfills located around the County. The County of Santa Barbara, which operates the landfills, has developed impact significance thresholds related to the impacts of development on remaining landfill capacity. The County thresholds are based on the projected average solid waste generation for Santa Barbara County from 1990-2005. The County assumes a 1.2% annual increase (approximately 4000 tons per year) in solid waste generation over the 15-year period. The County's threshold for project specific impacts to the solid waste system is 196 tons per year (this figure represents 5% of the expected average annual increase in solid waste generation [4000 tons/year]). Source reduction, recycling, and composting can reduce a project's waste stream by as much as 50%. If a proposed project generates 196 or more tons per year after reduction and recycling efforts, impacts would be considered significant and unavoidable. Proposed projects with a project specific impact as identified above (196 tons/year or more) would also be considered cumulatively significant, as the project specific threshold of significance is based on a cumulative growth scenario. However, as landfill space is already extremely limited, any increase in solid waste of 1% or more of the expected average annual increase in solid waste generation [4000 tons/year], which equates to 40 tons per year, is considered an adverse cumulative impact.

9a-b,d-f. Facilities and Services

The project is not anticipated to create a substantially different demand on fire or police protection services, library services, or City buildings and facilities than that anticipated in the CTI Report. Therefore, impacts to fire protection, police protection, library services, City buildings and facilities, electrical power, natural gas, telephone, and cable telecommunication services are anticipated to be less than significant.

9.c) Schools

The project site is served by the Santa Barbara Elementary and High School Districts for elementary and high school. The project would result in an increase of one residential unit, which could generate additional students in the Districts, but not enough to substantially impact school enrollment. None of the school districts in the South Coast have been designated "overcrowded" as defined by California State law. School impact fees would be applied to the project in accordance with State law to offset the cost to the school district of providing additional infrastructure to accommodate new students generated by the development. Therefore, project impacts to schools would be less than significant.

9.g,h,i) Water and Sewer

Water

The proposed project is estimated to demand 0.28 AFY (based on the City's Water Demand Factor and Conservation Study "User's Guide" Document No. 2) of additional water, which is well within the 0.7% growth rate accounted for in the LTWSP, and would not significantly impact the City's water supply. The proposed project receives water service from the City of Santa Barbara. The proposed project is within the anticipated growth rate for the City and therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project. The potential increase in demand from the proposed project would constitute a less than significant impact to the City water supply, treatment, and distribution facilities.

Sewer

The maximum capacity of the El Estero Treatment Plant is 11 million gallons per day (MGD), with current average daily flow of 8.5 MGD. The Treatment Plant is designed to treat the wastewater from a population of 104,000. The proposed project's estimated net new sewer demand is 0.24 AFY (217 gallons per day), which can be accommodated by the existing City sewer system and sewage treatment plant, and would represent a less than significant impact.

9.j) Solid Waste Generation/ Disposal

Long-Term (Operational). The project use is estimated to generate 2.86 TPY of solid waste as follows: (1 single family residence x 3.01 people per residence x 0.95 TPY), a less than significant impact, when compared to the 196 TPY threshold. With application of source reduction, reuse, and recycling, landfill disposal of solid waste could be reduced to 1.43 TPY.

Short-Term (Demolition and Construction). Project grading is estimated to result in 423 cubic yards of export. Construction-related waste generation is estimated to be approximately 36 tons. This represents a short-term and less than

significant impact related to short-term solid waste. Application of City requirements (SBMC Ch. 7.18) for construction waste recycling will minimize any impacts to the maximum extent feasible.

Public Services - Mitigation

No mitigation is required.

Public Services – Residual Impacts

Less than significant.

10. RECREATION		NO	YES
Could the project:			<i>Level of Significance</i>
a)	Increase the demand for neighborhood or regional parks or other recreational facilities?		Less Than Significant
b)	Affect existing parks or other public recreational facilities?	X	

Recreation - Discussion

Issues: Recreational issues are associated with increased demand for recreational facilities, or loss or impacts to existing recreational facilities.

Impact Evaluation Guidelines: Recreation impacts may be significant if they result in:

- Substantial increase in demand for park and recreation facilities in an area under-served by existing public park and recreation facilities.
- Substantial loss or interference with existing park space or other public recreational facilities such as hiking, cycling, or horse trails.

Recreation – Existing Conditions and Project Impacts

Currently within the City there are more than 1,800 acres of natural open space, park land and other recreational facilities. In addition, there are 28 tennis courts, 2 public outdoor swimming pools, beach volleyball courts, sport fields, lawn bowling greens, a golf course, 13 community buildings and a major skateboard facility. The City also offers a wide variety of recreational programs for people of all ages and abilities in sports, various classes, tennis, aquatics and cultural arts.

The National Recreation and Park Association (NRPA) established park service area standards for various types of parks. The NRPA standards have not been adopted by the City; however, the standards do provide a useful tool for assessing park space needs. The CTI Report determined that, based on NRPA standards, there is an uneven distribution of parkland in the City, such that some areas of the City may currently be underserved with neighborhood and community parks, but overall the City has adequate passive, community, beach, regional, open space, and sports facility parks.

10.a,b) Recreational Demand/Facilities

The project would result in the construction of one new single-family residence and would create a very minor increase in demand for park and recreational opportunities in the general area. As indicated above, the City of Santa Barbara has ample parkland and recreational facilities, albeit unevenly distributed throughout the City.

There is an existing four-foot wide trail easement located immediately north of the project site's northern property line (and within the existing 40-foot wide Gaylord easement⁴) that was offered as part of the lot line adjustment between 1218 and 1224 Harbor Hills Drive. The proposed project includes re-aligning a portion of this trail easement such that it would be located on the project site. This new trail easement's alignment would align with the existing sidewalk on Harbor Hills and would be located in the northernmost four feet of the project site (at the southern edge of the existing trail easement) until it meets up with the existing trail easement approximately 30 feet from the western property line.

⁴ The southern 20 feet of the Gaylord easement is on the subject property and the northern 20 feet is on the property that is immediately north of the subject property.

The site has no existing or designated public facilities. The project site consists of vacant lots that do not serve as useable open space for the area. The parks in the neighborhood include Hilda Ray, Escondido, La Coronilla, and Honda Valley. Residents of the proposed project would have access to these parks, as well as other community, beach, regional, open space, and sports facility parks, and all City recreation programs. The proposed residence would not significantly increase demand for existing parks or otherwise affect existing parks or other recreational facilities. The proposed project impact on the demand for park and recreational facilities would be *less than significant*.

Recreation - Mitigation

No mitigation is required.

Recreation – Residual Impacts

Less than significant.

11. TRANSPORTATION/CIRCULATION Could the project result in:	NO	YES <i>Level of Significance</i>
a) Increased vehicle trips?		Less than Significant
b) Hazards to safety from design features (e.g. sharp curves, inadequate sight distance or dangerous intersections)?	X	
c) Inadequate emergency access or access to nearby uses?		Less Than Significant
d) Decreased performance or safety of pedestrian, bicycle, or public transit facilities?		Less Than Significant
e) Conflicts with adopted policies, plans, programs, or ordinances regarding congestion management and the circulation system, taking into account all modes of transportation.	X	

Transportation - Discussion

Issues: Transportation issues include traffic, access, circulation, safety, and parking. Vehicle, bicycle and pedestrian, and transit modes of transportation are all considered, as well as emergency vehicle access. The City General Plan Circulation Element contains policies addressing circulation, traffic, and parking in the City.

Impact Evaluation Guidelines: A proposed project may have a significant impact on traffic/ circulation/ parking if it would:

Vehicle Traffic

- Cause an increase in traffic that is substantial in relation to the existing traffic load and street system capacity (see traffic thresholds below).
- Cause insufficiency in the transit system.
- Conflict with the Congestion Management Plan (CMP) or Circulation Element or other adopted plan or policy pertaining to vehicle or transit systems.

Circulation and Traffic Safety

- Create potential hazards due to addition of traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or that supports uses that would be incompatible with substantial increases in traffic.
- Diminish or reduce safe pedestrian, bicycle, or public transit circulation.
- Result in inadequate emergency access on-site or to nearby uses.
- Conflict with regional and local plans, policies, or ordinances regarding the circulation system, including all modes of transportation (vehicle, pedestrian, bicycle, and public transportation).

Traffic Thresholds of Significance: The City uses Levels of Service (LOS) “A” through “F” to describe operating conditions at signalized intersections in terms of volume-to-capacity (V/C) ratios, with LOS A (0.50-0.60 V/C) representing free flowing conditions and LOS F (0.90+ V/C) describing conditions of substantial delay. The City General Plan Circulation Element establishes the goal for City intersections to not exceed LOS C (0.70-0.80 V/C).

For purposes of environmental assessment, LOS C at 0.77 V/C is the threshold Level of Service against which impacts are measured. An intersection is considered “impacted” if the volume to capacity ratio is .77 V/C or greater.

Project-Specific Significant Impact: A project-specific significant impact results when:

- (a) Project peak-hour traffic would cause a signalized intersection to exceed 0.77 V/C, or
- (b) The V/C of an intersection already exceeding 0.77 V/C would be increased by 0.01 (1%) or more as a result of project peak-hour traffic.

For non-signalized intersections, delay-time methodology is utilized in evaluating impacts.

Significant Cumulative Contribution: A project would result in a significant contribution to cumulative traffic impacts when:

- (a) Project peak-hour traffic together with other cumulative traffic from existing and reasonably foreseeable pending projects would cause an intersection to exceed 0.77 V/C, or
- (b) Project would contribute traffic to an intersection already exceeding 0.77 V/C.

Transportation – Existing Conditions and Project Impacts

11.a) Traffic

Long-Term Traffic

The addition of a single-family residence to this neighborhood is expected to generate one p.m. peak hour automobile trip and 10 average daily automobile trips. Once the peak hour trips are distributed from the project site onto the City street network, the proposed project is not expected to trips to any impacted intersections due to the minimal amount of trips generated by the project. The proposed project impact to long-term traffic would be less than significant because City intersection Levels of Service would not be impacted by development of this project.

Short-Term Construction Traffic

The overall project construction process is estimated to last approximately 20 months. The project would generate construction-related traffic that would occur over the 20-month construction period and would vary depending on the stage of construction. Temporary construction traffic is generally considered an adverse but not significant impact. In this case, given traffic levels in the area and the duration of the construction process, short-term construction-related traffic would be a less than significant impact. Standard conditions of approval to minimize construction-related traffic impacts would be applied as appropriate, including restrictions on the hours permitted for construction trips and approval of routes for construction traffic.

11.b) Safety Hazards. Currently, there is no vehicular access to the site. The project would include construction of a new driveway from the terminus of Harbor Hills Drive. The new driveway would be approximately 20 feet wide, and would be located within the 40-foot wide Gaylord easement, a portion of which is on the subject property. This new driveway would serve the proposed new residence and could potentially provide a portion of the access to a future single family residence on vacant land north and west of the subject property. The proposed driveway has been reviewed by the Fire Department and Transportation Division and has been designed in accordance with all standards for visibility and access. The project would have no impact related to unsafe design features.

11.c) Emergency Vehicle Access and Evacuation

The proposed project impacts associated with vehicular access, circulation and safety related to the new driveway location and access to and from the new residence would be less than significant because it has been reviewed and found adequate by the City’s Public Works, Transportation Division, and Fire Department.

11.d) Bicycle/Pedestrian/Public Transit

No dedicated bike lanes currently exist along Harbor Hills Drive. Sidewalks are generally provided on both sides of Harbor Hills and La Coronilla Drives, although there are some gaps. The project would not impact any of these existing sidewalks. There is no sidewalk currently provided in the area proposed for the new driveway. A four-foot wide pedestrian trail easement exists within the Gaylord easement. The project proposes to provide a pedestrian path along the

northern edge of the driveway, crossing over the driveway to connect to the edge of the existing sidewalk on the southern side of Harbor hills Drive. The pedestrian path would be a new easement. This could provide a beneficial impact to pedestrians if the trail easement is ever fully effectuated to the northwest of the project site. The closest bus routes are located along Carrillo Street, Cliff Drive Loma Alta Drive.

Project impacts associated with pedestrian, bicycle or public transit facilities would be *less than significant* because one new single-family residence would not result in a substantial increase in the need for new transit facilities, bike lanes or sidewalks in the area. Pedestrians and bicyclists would continue to share the existing right-of-way.

11.e) Congestion Management

The project involves construction of one single-family residence in an area designated for residential use. The project site would have direct access from a public street and would not conflict with or impede implementation of any policies, plans, programs, or ordinances regarding congestion management and the circulation system, taking into account all modes of transportation. Therefore, there would be *no impact* to congestion management or the circulation system.

Transportation – Mitigation

No mitigation is required.

Transportation – Residual Impact

Less than significant.

12. WATER ENVIRONMENT		NO	YES
Could the project result in:			<i>Level of Significance</i>
a)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?		Less Than Significant
b)	Exposure of people or property to water related hazards such as flooding?	X	
c)	Discharge into surface waters?		Less Than Significant
d)	Change in the quantity, quality, direction or rate of flow of ground waters?		Less Than Significant
e)	Increased storm water drainage?		Less Than Significant

Water – Discussion

Issues: Water resources issues include changes in offsite drainage and infiltration/groundwater recharge; storm water runoff and flooding; and water quality.

Impact Evaluation Guidelines: A significant impact would result from:

Water Resources and Drainage

- Substantially changing the amount of surface water in any water body or the quantity of groundwater recharge.
- Substantially changing the drainage pattern or creating a substantially increased amount or rate of surface water runoff that would exceed the capacity of existing or planned drainage and storm water systems.

Flooding

- Locating development within 100-year flood hazard areas; substantially altering the course or flow of flood waters or otherwise exposing people or property to substantial flood hazard

Water Quality

- Substantial discharge of sediment or pollutants into surface water or groundwater, or otherwise degrading water quality, including temperature, dissolved oxygen, or turbidity.

Water Resources – Existing Conditions and Project Impacts

The subject property is steeply sloping to the south. A natural drainage channel is located to the southwest of the property. Further south of the site, this drainage is converted to pipe flow, and eventually outlets to the ocean. Currently, storm water runoff from Harbor Hills Drive is intercepted by a catch basin and swale at the end of Harbor Hills Drive that carries street runoff away from the subject property. Storm runoff from the site sheet flows in a southerly direction until it reaches the natural drainage channel. A Preliminary Drainage and Hydrology Report (dated October 2010), prepared by Mike Gones (*Exhibit K*), is incorporated hereing by reference and summarized below.

12.a,c,d,e) Drainage/Water Quality

Development of a new residence and driveway will increase impermeable surfaces and thereby result in a minor increase in surface runoff and discharge to surface waters, and a minor decrease in groundwater recharge. The City and State require that onsite capture, retention, and treatment of storm water be incorporated into the design of the project. Pursuant to the City's Storm Water Management Plan (SWMP) and the NPDES General Permit for Storm Water Discharges, the City requires that any increase in stormwater runoff (based on a 25-year storm event) be retained onsite and that projects be designed to capture and treat the calculated amount of runoff from the project site for a one-inch storm event, over a 24-hour period.

Long-Term (Operations): The proposed development of the site would increase storm water runoff by 3.57% for the 25-year storm event (an increase of 0.08 cubic feet per second). Runoff from the project site following occupancy could include urban contaminants such as pesticides, cleaning supplies, automobile fluids, fuels and fertilizers typical of all residential projects. The project includes a complete storm drainage system that includes a permeable driveway and collects roof and patio drainage in an underground cistern capable of holding a one-inch storm event. The cistern(s) can be used for non-potable water use (e.g. irrigation). Cistern overflow would be transmitted by pipe to a vegetative swale/French drain system that allows additional infiltration and eventually discharges to an energy dissipater to prevent erosion, prior to entering the existing drainage channel. The project's proposed drainage measures will address the City's Tier 3 requirements for storm water management and water quality. The proposed project's impacts related to surface water quality would be *less than significant* because, as required by the City's Storm Water Management Plan (SWMP), the project has been designed to retain and treat flows from the one inch, 24-hour storm and the peak runoff discharge rate will not exceed the pre-development rate for the 25-year storm event.

Short-Term (Construction): Project grading activities related to a construction of the single-family residence create the potential for temporary, incremental and localized erosion and sedimentation, and fuel and oils released from construction equipment could affect water quality. Numerous federal, state and local regulatory programs have been established to minimize impacts to water quality resulting from construction operations. The proposed project impacts related to surface water quality during construction would be *less than significant* because the potential for contamination is limited. Compliance with applicable regulations, including the City's best management practices for construction, will further reduce the potential for the proposed project to result in short-term construction-related water quality impacts.

12.b) Flooding

The project site is not located in a flood hazard zone or in an area prone to flooding. Concentrated drainage occurs within the unnamed drainage located west of the project site. The project would not alter the course or flow of this drainage, and it does not create any flooding hazards for the project site. Therefore, there would be *no impact* related to flooding.

Water Resources –Mitigation

No mitigation is required.

Water Resources – Residual Impact

Less than significant.

MANDATORY FINDINGS OF SIGNIFICANCE.		YES	NO
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X
b)	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?		X
c)	Does the project have potential impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X
d)	Does the project have potential environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X

a. As discussed in Section 3 (Biological Resources), with the implementation of required mitigation to address fuel management, the project would not reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As discussed in Section 4 (Cultural Resources), the project would not eliminate or impact important prehistoric or historic resources.

b. As discussed in Sections 1 through 12 of this Initial Study, the project, as mitigated, would not result in significant short- or long-term environmental impacts.

c. Sections 1 through 12 of this Initial Study consider potential cumulative impacts to environmental resources. As discussed in these sections, the project, as mitigated, would not result in any significant, cumulative impacts on the environment because the project contribution to cumulative impacts would not be considerable.


d. As discussed in Sections 1 through 12 of this Initial Study, no significant effects on humans (direct or indirect) would occur as a result of this project as mitigated. All potentially significant impacts related to biological resources, geophysical conditions, and hazards can be mitigated to a less than significant level. In addition, mitigation measures are recommended to further reduce adverse but less than significant impacts associated with aesthetics, air quality and geophysical conditions.

INITIAL STUDY CONCLUSION

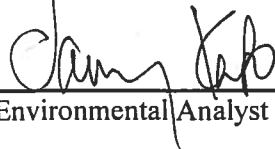
On the basis of this initial evaluation it has been determined that with identified mitigation measures agreed-to by the applicant, potentially significant impacts would be avoided or reduced to less than significant levels. A Mitigated Negative Declaration will be prepared.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

A draft Mitigation Monitoring and Reporting Program has been prepared for the project in compliance with Public Resources Code §21081.6. The draft MMRP is attached here as *Exhibit C*.


Initial Study Preparer

7-11-11
Date


Environmental Analyst

7/11/11
Date

EXHIBITS:

- A. Topographic Map**
- B. Project Plans**
- C. Mitigation Monitoring and Reporting Program**
- D. Site Photographs**
- E. Single Family Design Board Minutes – August 2, 2010**
- F. Single Family Design Board Minutes – August 30, 2010**
- G. URBEMIS 2007 Version 9.2.4 Emissions Reports dated March 2, 2011**
- H. Biological Assessment and Impact Analysis, prepared by Rachel Tierney and dated May 26, 2010, including a letter addendum dated September 16, 2010**
- I. Preliminary Geologic Investigation prepared by Coastal Geology & Soil, Inc. and dated November 10, 2010**
- J. Foundation Exploration prepared by Coast Valley Testing, Inc. and dated March 11, 2008, including a Report Update/Response dated October 13, 2010**
- K. Preliminary Drainage and Hydrology Report prepared by Mike Gones and dated October 2010**
- L. Response to Comments dated July 11, 2011**

LIST OF SOURCES USED IN PREPARATION OF THIS INITIAL STUDY

The following sources used in the preparation of this Initial Study are located at the Community Development Department, Planning Division, 630 Garden Street, Santa Barbara and are available for review upon request.

California Environmental Quality Act (CEQA) & CEQA Guidelines

General Plan Circulation Element

General Plan Conservation Element

2004 Housing Element

General Plan Land Use Element

General Plan Noise Element w/appendices

General Plan Map

General Plan Seismic Safety/Safety Element

Geology Assessment for the City of Santa Barbara

Institute of Traffic Engineers Parking Generation Manual

Institute of Traffic Engineers Trip Generation Manual

Master Environmental Assessment

Master Environmental Assessment Maps (2008)

Parking Design Standards

Plan Santa Barbara Final Environmental Impact Report

Santa Barbara Municipal Code & City Charter

Special District Map

Uniform Building Code as adopted by City

Zoning Ordinance & Zoning Map

1213 Harbor Hills Drive (MST2009-00385)

MITIGATION MONITORING AND REPORTING PROGRAM

JULY 11, 2011

PROJECT LOCATION

1213 Harbor Hills Drive, Santa Barbara, CA

PROJECT DESCRIPTION

The project involves the assemblage and merger of six lots that were created as part of the illegal Roger's Tract subdivision (see additional information below under Plans and Policy Discussion, Land Use and Zoning Designations) in order to create a new 1.089-acre lot and satisfy a Conditional Certificate of Compliance. A new single family residence would be constructed on the 1.089-acre lot. In order to satisfy the conditions of the Certificate of Compliance, a lot frontage modification is required because the lot would have only 15 feet of frontage on a public street. The new house would total 4,217 net square feet with an attached 672 square foot garage. The building would be two stories and would have a maximum height of 30 feet above finished grade. The building has been designed to follow the topography of the site, and would appear as a one-story structure when viewed from Harbor Hills Drive (north elevation), and would be a full two stories (30 feet) when viewed from the south. Site development also includes a new driveway, site retaining walls, patios, barbeque and fire pit, landscaping and a spa. An existing four-foot wide pedestrian trail easement is proposed to be realigned onto the project site because the proposed driveway would conflict with the existing conceptual alignment. In order to minimize the grading required to carry out the project, the new house would be constructed on caissons. The project includes landscaping (yet to be designed) that would be consistent with the City's Fuel Management Requirements, and storm water management improvements including permeable pavement, cisterns, a catch basin, and vegetated swale with French drain.

PURPOSE

The purpose of the **1213 Harbor Hills Drive** Mitigation Monitoring and Reporting Program (MMRP) is to ensure compliance with all mitigation measures identified in the Initial Study to mitigate or avoid potentially significant adverse environmental impacts resulting from the proposed project. The implementation of this MMRP shall be accomplished by City staff and the project developer's consultants and representatives. The program shall apply to the following phases of the project:

- Plan and specification preparation
- Pre-construction conference
- Construction of the site improvements
- Post Construction

I. RESPONSIBILITIES AND DUTIES

A qualified representative of the developer, approved by the City Planning Division and paid for by the developer, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of this mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those

actions that relate to the items listed in this program.

It is the responsibility of the contractor to comply with all mitigation measures listed in the attached MMRP matrix. Any problems or concerns between monitors and construction personnel shall be addressed by the PEC and the contractor. The contractor shall prepare a construction schedule subject to the review and approval of the PEC. The contractor shall inform the PEC of any major revisions to the construction schedule at least 48 hours in advance. The PEC and contractor shall meet on a weekly basis in order to assess compliance and review future construction activities.

A. PRE-CONSTRUCTION BRIEFING

The PEC shall prepare a pre-construction project briefing report. The report shall include a list of all mitigation measures and a plot plan delineating all sensitive areas to be avoided. This report shall be provided to all construction personnel.

The pre-construction briefing shall be conducted by the PEC. The briefing shall be attended by the PEC, construction manager, necessary consultants, Planning Division Case Planner, Public Works representative and all contractors and subcontractors associated with the project. Multiple pre-construction briefings shall be conducted as the work progresses and a change in contractor occurs.

The MMRP shall be presented to those in attendance. The briefing presentation shall include project background, the purpose of the MMRP, duties and responsibilities of each participant, communication procedures, monitoring criteria, compliance criteria, filling out of reports, and duties and responsibilities of the PEC and project consultants.

It shall be emphasized at this briefing that the PEC and project consultants have the authority to stop construction and redirect construction equipment in order to comply with all mitigation measures.

Once construction commences, field meetings between the PEC and project consultants, and contractors shall be held on an as-needed basis in order to create feasible mitigation measures for unanticipated impacts, assess potential effects, and resolve conflicts.

II. IMPLEMENTATION PROCEDURES

There are three types of activities which require monitoring. The first type pertains to the review of the Conditions of Approval and Construction Plans and Specifications. The second type relates to construction activities and the third to ongoing monitoring activities during operation of the project.

A. MONITORING PROCEDURES

The PEC and required consultant(s) shall monitor all field activities. The authority and responsibilities of the PEC and consultant(s) are described in the previous section.

B. REPORTING PROCEDURES

The following three (3) types of reports shall be prepared:

1. Schedule

The PEC and contractor shall prepare a monthly construction schedule to be submitted to the City prior to or at the pre-construction briefing.

2. General Progress Reports

The PEC shall be responsible for preparing written progress reports submitted to the City. These reports would be expected on a weekly basis during grading, excavation and site preparation, and on a biweekly basis thereafter throughout construction and landscaping activities. The reports would document field activities and compliance with project mitigation measures, such as dust control and sound reduction construction.

3. Final Report

A final report shall be submitted to the Planning Division when all monitoring (other than long term operational) has been completed and shall include the following:

- a. A brief summary of all monitoring activities.
- b. The date(s) the monitoring occurred.
- c. An identification of any violations and the manner in which they were dealt with.
- d. Any technical reports required, such as noise measurements.
- e. A list of all project mitigation monitors.

C. MMRP MATRIX

The following MMRP Matrix describes each initial study mitigation measure, monitoring activities and the responsibilities of the various parties, along with the timing and frequency of monitoring and reporting activities. For complete language of each condition, the matrix should be used in conjunction with the mitigation measures described in full in the Initial Study.

The MMRP Matrix is intended to be used by all parties involved in monitoring the project mitigation measures, as well as project contractors and others working in the field. The Matrix should be used as a compliance checklist to aid in compliance verification and monitoring requirements. A copy of the MMRP matrix shall be kept in the project file as verification that compliance with all mitigation measures has occurred.

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 1 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
VIS-1 Development Rights Restrictions. The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans (those areas outside the Development Envelope) in order that those portions of the Real Property remain in their natural state. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines, with the exception of stormwater management improvements identified on the plans and implementation of the Fuel Management Plan. The restricted areas shall be shown on the landscape plans. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment and in accordance with the approved Fuel Management Plan.	Owner			
AQ-1 Construction Dust Control - Watering. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.	PEC			

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 2 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
AQ-2 Construction Dust Control – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches.	PEC			
AQ-3 Construction Dust Control – Gravel Pads. Gravel pads shall be installed at all access point to prevent tracking of mud onto public roads.	PEC			
AQ-4 Construction Dust Control – Minimize Disturbed Area/Speed. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.	PEC			
AQ-5 Construction Dust Control – Disturbed Area Treatment. After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by: a. Seeding and watering until grass cover is grown; b. Spreading soil binders; c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind; d. Other methods approved in advance by the Air Pollution Control District.	PEC			
AQ-6 Construction Dust Control – Surfacing. All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	PEC			
AQ-7 Stockpiling. If importation, exportation and stockpiling	PEC			

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 3 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared.				
AQ-8 Construction Dust Control – Project Environmental Coordinator (PEC). The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.	PEC			
AQ-9 Engine Size. The engine size of construction equipment shall be the minimum practical size.	PEC			
AQ-10 Equipment Numbers. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.	PEC			
AQ-11 Equipment Maintenance. Construction equipment shall be maintained to meet the manufacturer's specifications.	PEC			
AQ-12 Catalytic Converters. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.	PEC			
AQ-13 Diesel Catalytic Converters. Diesel catalytic	PEC			

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 4 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.				
AQ-14 Diesel Replacements. Diesel powered equipment shall be replaced by electric equipment whenever feasible.	PEC			
AQ-15 Idling Limitation. All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible.	PEC			
AQ-16 Portable diesel equipment. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit.	PEC			
AQ-17 Mobile construction equipment. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm	PEC			

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 5 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
<p>BIO-1 Fuel Management / Landscape Plan . The following strategies for an environmentally sensitive vegetation management approach shall be incorporated into the required Fuel Management / Landscape Plan, consistent with the City's High Fire Hazard Area Landscape Requirements. This Plan shall be reviewed and approved by the City's Environmental Analyst and Fire Department prior to Project Design Approval by the Single Family Design Board.</p> <p>Zone 1 (0-30 feet from structures) – Shall remain free of non-irrigated, woody vegetation. All vegetation within 30 feet of the residence and other structures shall be moisture retaining irrigated groundcover, shrubs, and/or trees.</p> <p>Zone 2 (30-50 feet from structures) – Shall be landscaped with fire resistant, drought tolerant, deep-rooted, irrigated plants. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses are mowed elsewhere. Remove non-irrigated ladder fuels and deadwood annually.</p> <p>Zone 3 (50-70 feet from structures) – Shall be landscaped with fire resistant, drought tolerant, deep-rooted, native irrigated plants. Irrigation is required to establish and maintain vegetation, but minimal irrigation should be provided given slope and erosion concerns. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses are mowed elsewhere. Existing native shrubs shall remain, as long as they are but be thinned to 15-foot centers with roots left intact. Remove non-irrigated ladder fuels and deadwood annually.</p> <p>Zone 4 (70-100 feet from structures) – Vegetation shall remain and be treated every 3 to 5 years to remove deadwood and up to a total of 50% cover. Roots shall be left intact. No irrigation should be located in this zone.</p>	Applicant / Landscape Architect			

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 6 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
<p>The Fuel Management / Landscape Plan shall include, to the maximum extent permitted by the Fire Department, the following:</p> <ul style="list-style-type: none"> Maintenance of existing California sage scrub to the maximum extent feasible consistent with Fire Department requirements. Native, drought-tolerant and deep-rooted vegetation. Temporary, rather than permanent, irrigation to establish new landscaping. Any approved temporary irrigation must be removed once plants have established themselves. Non-irrigated plantings in Zone 4 to the extent allowable. Plant spacing at such a distance that plants at maturity will not require frequent pruning. Plant species shall be chosen based on a preference for plants that will not require frequent maintenance such as pruning. 				
<p>BIO-2 Avoidance of Bird Nesting Season. Removal of coastal sage scrub, and any trees if applicable, should take place outside of the breeding bird season (February 1-August 15). If these activities can not feasibly be avoided during the breeding bird season, the applicant shall submit a contract with a qualified biologist to conduct a survey of all areas within 300 feet of the shrub removal area to determine presence and behavior of birds, raptors, and other sensitive species. The surveys should occur no more than 7 days prior to any project operations. In the event that any sensitive wildlife species, raptors, or other birds exhibit reproductive or nesting behavior, development activities shall be halted until the contract biologist and City Environmental Analyst have determined that sufficient measures have been taken to avoid impacts to nesting or breeding birds or sensitive species. These measures are likely to include postponement of work</p>	PEC			

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 7 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
within 300 feet from the nest (could be larger for some species) until nests are vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting.				
GEO-1 Grading. Any cut slopes created during grading activities shall be observed by an engineering geologist to determine if adverse bedding planes exist onsite. If adverse bedding planes are observed during grading operations, remedial actions, including, but not limited to increasing the thickness and/or footing depth of retaining walls or decreasing the inclination of cut or temporarily overexcavated slopes (e.g. from a run:rise of 2:1 to 3:1), shall be recommended at that time.				
GEO-2 Soils Report. The project shall comply with the recommendations of the Foundation Exploration prepared for the site by Coast Valley Testing, Inc, dated March 11, 2008 and the Update by same dated October 13, 2010. Submit to the Building and Safety Division a copy of these reports and any applicable or appropriate revisions/amendments and implement the recommendations outlined in the report.				
GEO-3 Caissons and Grading. The foundation design for any new residence on the project site shall utilize caissons to minimize grading and erosion on site. Any changes to this proposed design or the addition of significant amounts of grading will require additional environmental analysis.				
GEO-4 Stormwater Management. Any changes to the approved Storm Drainage and Hydrology Report prepared by Mike Gones and dated October 2010 must be reviewed and approved by a geologist to ensure that there are no adverse impacts related to erosion.				

1213 HARBOR HILLS DRIVE (MST2009-00385)
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
 PAGE 8 of 8

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
H-1 Radon. Any structures constructed for human habitation should incorporate adequate ventilation to allow any naturally occurring radon gas emissions to ventilate, rather than accumulating indoors. Information on construction measures intended to reduce radon accumulation indoors shall be provided to the Building and Planning Divisions as part of construction drawings prior to issuance of a building permit.	Architect			

1213 HARBOR HILLS DRIVE
FINAL MITIGATED NEGATIVE DECLARATION
RESPONSE TO COMMENTS

JULY 11, 2011

INTRODUCTION:

An Initial Study was prepared for the **1213 Harbor Hills Drive** project because the California Environmental Quality Act (CEQA) requires that an environmental assessment of the proposed project be provided. The environmental analysis determined that the proposed project could potentially have significant adverse impacts related to *biological resources, geophysical conditions and hazards*; however, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with *aesthetics, air quality and geophysical conditions* issues.

A Draft Mitigated Negative Declaration (MND) was prepared for the proposed project, and a public review period was held from June 3 to June 23, 2011. Comment letters were received from the following agencies and members of the public during the comment period:

1. Santa Barbara County Air Pollution Control District (APCD)
2. Jarrett Gorin, AICP, Vanguard Planning LLC

Responses to the comments received from the public regarding the Draft MND are provided below, and the comment letters received are attached.

The purpose of this document is to respond to specific comments received pertaining to environmental issues in the Draft MND. Comments received not related to the environmental issues outlined in the Draft MND, such as social or fiscal impacts of the project, are outside the scope and not addressed in this document. However, all comments will be forwarded to the Staff Hearing Officer for consideration.

Letter No. 1
Santa Barbara County Air Pollution Control District (APCD)
June 14, 2011

This comment letter addresses four issues in the Air Quality Section of the initial Study.

- 1) Page 10, there is a missing comma.

Correction made.

- 2) Page 11, provided clarification on APCD's role relative to asbestos notifications.

See corrections to page 11 - reference to asbestos has been removed from the subject sentence.

- 3) Page 11, related to global climate change discussion of carbon dioxide and carbon dioxide equivalent.

Comment noted. Please see corrected text on page 11.

- 4) Page 13-14, indirect CO2 emissions were not calculated.

Please see additional text on page 14 to address indirect CO2 emissions.

APCD also recommended conditions for the project, many of which were already included as recommended mitigation measures or are required by State or local law.

Letter No. 2
Jarrett Gorin, AICP
June 22, 2011

This comment letter addressed two issues related to the content of the MND.

- 1) Air Quality

- a. Commentor agrees with comments #1-3 from APCD.

See responses to APCD comments 1-3 identified above.

- b. Commentor disagrees with APCD comment #4 that an analysis of indirect CO2 emissions associated with electricity use is necessary, and suggests specific

language to be added to the Initial Study discussion to address indirect CO2 emissions.

Additional language has been added to the initial study (Section 2, page 14) to address indirect CO2 emissions.

- 2) Geophysical Conditions – Commentor requests that revisions be made to mitigation measure GEO-1 to improve its specificity.

Staff concurs that improving the specificity of the mitigation measure is a good idea and has made the requested changes. These changes are consistent with the discussion already contained in Section 5.d-e on page 21.



**Santa Barbara County
Air Pollution Control District**

Our Vision  Clean Air

June 14, 2011

Allison DeBusk
City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
JUN 16 2011
CITY OF SANTA BARBARA
PLANNING DIVISION

**Re: APCD Comments on Mitigated Negative Declaration for 1213 Harbor Hills Drive,
MST2009-00385**

Dear Ms. DeBusk:

The Air Pollution Control District (APCD) has reviewed the Mitigated Negative Declaration (MND) for the referenced case, which consists of the voluntary merger of six lots to create a 1.089-acre lot and the construction of a new single family residence (SFR) on the new lot. The new SFR would be 4,217 square feet with a 672 square foot attached garage. Site development also includes a new driveway, retaining walls, patios, barbeque and fire pit, landscaping and a spa. Grading associated with this project consists of 594 cubic yards of cut and 171 cubic yards of fill for a total of 765 cubic yards. The subject property, a 1.089-acre parcel zoned E-1 (One Family Residential) and identified in the Assessor Parcel Map Book as APN's 035-480-037, 039, 040, and 041, is located at 1213 Harbor Hills Drive in the City of Santa Barbara.

Air Pollution Control District staff offers the following comments on the MND:

1. **Section 2, Air Quality, Page 10:** The first sentence under the subheading "Air Quality-Discussion" should be revised to include a comma after 'vehicle exhaust' and should now read as "...emissions from vehicle exhaust, stationary sources (i.e. gas stations, boilers, diesel generators, dry cleaners, oil and gas processing facilities, etc), and minor stationary sources...".
2. **Section 2, Air Quality, Page 11:** The second full paragraph on this page states the "SBCAPCD has also issued several notifications and requirements regarding asbestos exposure during demolition activities...". SBCAPCD does not issue notifications, we require an applicant to complete and submit an asbestos notification form for each regulated structure to be demolished or renovated presented or mailed to the APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Please revise the text accordingly.
3. **Section 2, Air Quality, Page 11:** The third full paragraph on this page contains the sentence, "While other greenhouse gases have higher global warming potential, carbon dioxide is emitted in such vastly higher quantities that it accounts for 85 percent of the global warming potential of all greenhouse gases emitted by the United States". This sentence is incorrect; carbon dioxide accounts for 85 percent of all greenhouse gas emissions in terms of carbon dioxide equivalent (CO₂e), not the global warming potential. Please revise this sentence to correctly convey the role of carbon dioxide.

4. **Section 2, Air Quality, Page 13-14:** The CO₂ emissions shown and calculated in the document are only the direct emissions associated with the proposed project (i.e. vehicle and area emissions). APCD's guidance document, entitled *Scope and Content of Air Quality Sections in Environmental Documents* (updated June, 2010) available online at www.sbcapcd.org/apcd/landuse.htm, recommends and provides a methodology for calculating indirect CO₂ emissions associated with electricity use.

Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*, became effective on July 21, 2010 and establishes new limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at www.sbcapcd.org/rules/download/rule345.pdf.
3. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
4. All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
5. At a minimum, prior to occupancy any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
 - Energy use (energy efficiency, low carbon fuels, renewable energy)
 - Transportation (reduce vehicle miles traveled, compact and transit-oriented development, pedestrian- and bicycle-friendly communities)
 - Water conservation (improved practices and equipment, landscaping)
 - Waste reduction (material re-use/recycling, composting, waste diversion, waste minimization)
 - Architectural features (green building practices, cool roofs)
6. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at cwv@sbcapcd.org.

June 14, 2011

Page 3

Sincerely,

A handwritten signature in cursive script that reads "Carly Wilburton".

Carly Wilburton,
Air Quality Specialist
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Jarrett Gorin
TEA Chron File



ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Plan Requirements: All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

MONITORING: Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

Vanguard Planning LLC

June 22, 2011

Allison De Busk
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

Delivered Via E-mail And By Hand

RECEIVED
JUN 23 2011

Page 1 of 4

CITY OF SANTA BARBARA
PLANNING DIVISION

RE: Draft Mitigated Negative Declaration For 1213 Harbor Hills Drive (MST 2009-00385)

Dear Allison:

The purpose of this letter is to provide comments on the above referenced environmental document (the "DMND") for my clients' proposed single family residence at 1213 Harbor Hills Drive (the "Project").

Overall, the DMND is an excellent CEQA document. It includes detailed and thorough descriptions of all baseline conditions and an in-depth analysis of potential project impacts that fully supports Staff's determination that the Project would not result in any significant residual environmental impacts (i.e. Class I CEQA Impacts) with incorporation and implementation of the mitigation measures that are identified in the DMND. As you know, we executed a document confirming that we would incorporate these mitigation measures on May 31, 2011. Additionally, we appreciate the detailed information provided in the "Plans and Policy Discussion" section (beginning on page 4).

Our comments on the DMND are limited to two sections: Air Quality (Section 2) and Geophysical Conditions (Section 5). I have itemized our comments below for your review:

Air Quality (Section 2)

"Discussion" Section

I received a copy of a comment letter from the Air Pollution Control District (APCD) dated June 14, 2011. This letter identifies a number of minor revisions suggested for the baseline discussion section that begins on page 10. We agree that all of the APCD's suggested revisions to the baseline discussion section are appropriate, and we ask that this section be revised to incorporate them.

"Existing Conditions and Project Impacts" Section

The APCD appears to suggest that an analysis of the *"indirect CO₂ emissions associated with electricity use"* from the Project is necessary. We disagree. An extensive, quantitative analysis is not needed to conclusively determine that *"indirect CO₂ emissions associated with electricity use"* generated by development and long-term operation of one (1) single family residence represent a less than significant impact under CEQA, and that no mitigation is required in association with this impact. However, we believe that the DMND impact analysis should include the following statement:

Development and long-term operation of the proposed single family residence on the project site would result in the generation of indirect CO₂ impacts as a result of electricity use. However, one (1) single family residence does not consume enough electricity to have the potential to indirectly generate CO₂ in any quantity large enough to have the potential to generate a significant environmental impact. Indirect impacts associated with CO₂ produced in association with electricity consumption are considered less than significant.

Addition of the language above, or similar language, would further enhance the already excellent analysis that is presented in the "Existing Conditions and Project Impacts" section.

"Recommended Mitigation" Section

We have no objection to the mitigation measures discussed in the APCD's June 14th letter being added as recommended mitigation measures.

Geophysical Conditions (Section 5)

"Recommended Mitigation" Section

Prior to release of the DMND for public review, I indicated that mitigation measure "GEO-1 Grading" could be improved if the measures to address any adverse bedding planes were more clearly articulated. I have discussed this proposed mitigation measure with our geologist, and we are requesting the following revisions to improve the specificity of the proposed mitigation for adverse bedding planes encountered during grading activities:

GEO-1 Grading. Any cut slopes created during grading activities shall be observed by an engineering geologist to determine if adverse bedding planes exist onsite. If adverse bedding planes are observed during grading operations, remedial actions, including, but not limited to increasing the thickness and/or footing depth of retaining walls or decreasing the inclination of cut or temporarily overexcavated slopes (e.g. from a run:rise of 2:1 to 3:1), shall be recommended at that time.

While the mitigation measure is legally adequate as-written, the requested revisions more clearly describe two feasible and widely-accepted engineering solutions to address adverse bedding planes. We believe disclosure of these highly specific and feasible examples of solutions that can be implemented upon recommendation by a geologist during grading activities would improve the effectiveness of this proposed mitigation measure. Furthermore, the proposed revisions do not substantively alter the purpose and intent of this mitigation measure.

In addition to the comments discussed above, it has unfortunately become necessary for us to address another issue that has come to our attention. As you know, I met with Mark Lloyd and Steve Watson on June 14, 2011. These individuals (the "Adjacent Developers") have an ownership interest, and unspecified future development plans for a property that is directly adjacent to the Project site. The purpose of the June 14th meeting was to discuss concerns that the Adjacent Developers had regarding the design of the proposed private access drive, and the outlet for the proposed storm drainage system. The Adjacent Developers had submitted a request for an environmental hearing for the DMND on June 13th, presumably as a means to compel my client to take whatever action the Adjacent Developers were requesting. During the June 14th meeting, the Adjacent Developers identified solutions to address both of the concerns they had raised. We agreed that these solutions were acceptable, and committed to incorporate the revisions, which are:

- A minor increase in driveway width and elimination of the retaining wall at the termination of the driveway; and,
- Extension of our drainage outfall approximately twenty feet to the South (edge of the existing Gaylord Drive easement)

These revisions are discussed in detail in an E-mail that I sent to Staff during the June 14th meeting. This E-mail was also cc'd to the Adjacent Developers (both Mr. Lloyd and Mr. Watson), as well as to my client. My client subsequently responded to all parties via E-mail, providing written confirmation of our intent to incorporate these changes, on the evening of June 14th. On June 17th, Mr. Lloyd submitted a letter to the City formally withdrawing the request for an environmental hearing on behalf of the Adjacent Developers. Our project team is now in the process of revising the plans to depict the revisions that we agreed to with the Adjacent Developers.

This morning, I was contacted by Mr. Watson, who spoke of various additional concerns he had about the Project. These included Mr. Watson's apparent objection to our revised drainage design: a design proposed by the Adjacent Developers that has now been incorporated into our project. I agreed to meet with Mr. Watson on his property this afternoon in an attempt to understand what the Adjacent Developers' objection was to the their own drainage design. During an hour and a half long meeting, Mr. Watson repeatedly stated various objections to the drainage design that he and his partner had asked us to incorporate a week earlier. To the best of my understanding, all of the objections raised by Mr. Watson appear to relate to a downstream property that the Adjacent Developers do not own. That was confusing. In addition, Mr. Watson asked that my client make binding agreements to perform a number of actions that Mr. Watson was unable to articulate, and indicated that the Adjacent Developers intend to use the CEQA process, and discretionary approval process, to delay the Project as a means to compel my clients to take actions desired by the Adjacent Developers.

In light of Mr. Watson's statements, it appears necessary for us to discuss CEQA Guidelines Section 15003 in order to ensure that this fundamental policy is clearly presented as part of the administrative record for the Project. The introductory paragraph for Section 15003 states the following:

"In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of this state have declared the following policies to be implicit in CEQA:"

Subsection "(j)" of Section 15003 states the following:

"CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C.(1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors(1990) 52 Cal.3d 553)" (emphasis added)

Unfortunately, based on Mr. Watson's statements, it appears that the Adjacent Developers intend to use the CEQA review process for precisely this purpose unless my clients make various concessions that Mr. Watson has, to this point, failed to quantify. Furthermore, if the Adjacent Developers follow through with Mr. Watson's threats, the instant case will represent a particularly transparent example of the type of subversion and abuse that the State and its courts have consistently reaffirmed must not occur.

The administrative record should reflect that the property owned by the Adjacent Developers comprises physical and environmental conditions that are identical to, and in some instances, more challenging than those present on the Project site. For example, the purportedly developable portions of the Adjacent Developer's property are located on slopes that are identical to, or steeper than, the slopes present within the proposed development footprint of the Project. The Adjacent Developers' property would also direct its runoff to the same existing drainage course to which the Project's drainage flows. Because the Adjacent Developers' property is immediately adjacent to the Project site, it is not surprising that many other environmental conditions, such as slopes, cultural resources, access, drainage etc. are literally identical to those present on the Project site.

The Adjacent Developers have not provided us with conceptual plans for their project. Therefore, we can make no representation or assessment about the development potential of their property. We assume that if the Adjacent Developers can design a project that complies with applicable City policies and regulations, they would obtain City approvals for such a project. However, it is beyond dispute that any "significant environmental impacts" that the Adjacent Developers allege would be generated by my clients' Project would also be generated by any future project proposed for the Adjacent Developers property, which comprises nearly identical environmental conditions. Therefore, any arguments related to the Adjacent Developers' purported "concerns about environmental impacts" should be viewed within this context. This would also be the case for any assertions of "policy inconsistency" by the Adjacent

Developers, as all policies that are applicable to the Project would also apply to any future development proposed by the Adjacent Developers.

When I shared the information presented in the preceding paragraph with Mr. Watson, he indicated that the Adjacent Developers would "enlist 3rd Parties" to implement the Adjacent Developers CEQA subversion strategy. This ignores the fact that it is the content of any arguments against approval of the Project, based upon purported significant CEQA impacts, that is potentially damaging to Adjacent Developers' aspirations to develop their property. Whether these arguments are presented by the Adjacent Developers during the CEQA review process or by "3rd parties" is unimportant. We are fully prepared to address these issues at the upcoming hearing.

If you have any questions regarding our comments on the DMND, or any other information presented in this letter, please give me a call at (805) 966-3966.

We look forward to the upcoming Staff Hearing Officer review for the Project.

Sincerely,

VANGUARD PLANNING LLC



Jarrett Gorin, AICP
Principal

RECORDING REQUESTED BY AND WHEN)
RECORDED, PLEASE RETURN TO:)

City Engineer)
City of Santa Barbara)
P.O. Box 1990)
Santa Barbara, CA 93102-1990)

RECEIVED

AUG 28 2009

CONDITIONAL CERTIFICATE OF COMPLIANCE

CITY OF SANTA BARBARA
PLANNING DIVISION

ADDRESS: 1213 Harbor Hills

APN's: Three portions of 035-480-037; 035-480-039; 035-480-040; 035-480-041

RECITALS

A. Sharon Clenet, Trustee of the Sharon Lynn Clenet Trust, dated August 27, 1998, owns Parcels One through Three and Gathercole LLC, a California Limited Liability Company owns Parcels Four through Six (hereinafter Sharon Clenet and Gathercole LLC shall be collectively referred to as the "Owners") in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described as follows, and identified in attached Exhibit A for informational purposes only, (hereinafter referred to as the "Real Property");

B. This Conditional Certificate of Compliance is issued for the following parcels of Real Property, and is shown on the attached Exhibit A for informational purposes only:

That portion of the Outside Pueblo Lands of the City of Santa Barbara, in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Remnant portion of land - PARCEL ONE

(Portion of APN: 035-480-037; AKA Lot 117 from Rogers Tract Map)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY END OF THE EASTERLY LINE OF PARCEL NO. 1 AS DESCRIBED IN THE DEED FROM HORACE E. ROGERS AND WIFE, TO SANTA BARBARA COUNTY TITLE COMPANY, RECORDED IN BOOK 188 AT PAGE 175 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 80° 27' WEST 45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, TANGENT TO THE LAST MENTIONED COURSE AND HAVING A RADIUS OF 178.67 FEET; THENCE SOUTHWESTERLY

AND WESTERLY ALONG SAID CURVE THROUGH A DELTA OF 45° 27' 10", A DISTANCE OF 141.74 FEET TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING NORTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 10° 32' 50", A DISTANCE OF 32.89 FEET TO THE BEGINNING OF A REVERSING CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 35 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 53° 41' 30", A DISTANCE OF 32.80 FEET; THENCE NORTH 7° 14' 30" WEST 114.40 FEET; THENCE NORTH 86° 27' EAST 50.10 FEET; THENCE SOUTH 7° 14' 30" EAST 150.01 FEET TO THE TRUE POINT OF BEGINNING.

THE PROPERTY AS ABOVE DESCRIBED IS SHOWN AS 117 ON A MAP OF A SURVEY MADE BY A LICENSED SURVEYOR FILED IN BOOK 20 AT PAGE 44 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Remnant portion of land - PARCELTWO

(Portion of APN 036-480-037; AKA Lot 118 from Rogers Tract Map)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY END OF THE EASTERLY LINE OF PARCEL NO. 1 AS DESCRIBED IN THE DEED FROM HORACE E. ROGERS AND WIFE, TO SANTA BARBARA COUNTY TITLE COMPANY, RECORDED IN BOOK 188 AT PAGE 175 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 80° 27' WEST 45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, TANGENT TO THE LAST MENTIONED COURSE AND HAVING A RADIUS OF 178.67 FEET; THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE THROUGH A DELTA OF 26° 08' 10", A DISTANCE OF 81.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 19° 19', A DISTANCE OF 60.24 FEET; THENCE NORTH 7° 14' 30" WEST 150.01 FEET; THENCE NORTH 86° 27' EAST, 50.11 FEET; THENCE SOUTH 7° 14' 30" EAST, 179.87 FEET TO THE TRUE POINT OF BEGINNING.

THE PROPERTY AS ABOVE DESCRIBED IS SHOWN AS 118 ON A MAP OF A SURVEY MADE BY A LICENSED SURVEYOR FILED IN BOOK 20 AT PAGE 44 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

¹ First American Title Co. PTR dated March 6, 2009 listed this as 53° 41' 30"

Remnant Portion of Land - PARCEL THREE

(Portion of APN 035-480-037; AKA Lot 121 from Rogers Tract Map)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY END OF THAT CERTAIN COURSE IN PARCEL NO. 4, AS DESCRIBED IN THE DEED FROM HORACE E. ROGERS AND WIFE TO SANTA BARBARA COUNTY TITLE COMPANY, RECORDED IN BOOK 188 AT PAGE 175 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID COURSE BEING DESCRIBED IN SAID DEED AS HAVING A BEARING OF SOUTH 40° 03' EAST AND LENGTH OF 125 FEET; THENCE SOUTHEASTERLY AND EASTERLY ALONG SAID CENTER LINE, BEING A CURVE CONCAVE TO THE NORTHEAST TANGENT TO THE LAST MENTIONED COURSE AND HAVING A RADIUS OF 110 FEET THROUGH A DELTA OF 98° 12' 40", A DISTANCE OF 188.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG SAID CURVE THROUGH A DELTA OF 86°²-36° 47' 20", A DISTANCE OF 70.63 FEET; THENCE TANGENT TO SAID CURVE NORTH 4° 57' EAST 4.32 FEET; THENCE SOUTH 20° 33' EAST, 226.60 FEET; THENCE SOUTH 86° 27' WEST 52.28 FEET; THENCE NORTH 20° 33' WEST 157.40 FEET TO THE TRUE POINT OF BEGINNING.

THE PROPERTY AS ABOVE DESCRIBED IS SHOWN AS 121 ON A MAP OF A SURVEY MADE BY A LICENSED SURVEYOR FILED IN BOOK 20 AT PAGE 44 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Together with a Road Easement

AN EASEMENT FOR A PRIVATE ROADWAY OVER, ALONG AND ACROSS THOSE CERTAIN STRIPS OR PARCELS OF LAND AS DESCRIBED IN SAID DEED TO SANTA BARBARA COUNTY TITLE COMPANY ABOVE REFERRED TO.

EXCEPTING THEREFROM THAT PORTION OF PARCEL 4 AS DESCRIBED IN SAID DEED, INCLUDED WITHIN THE LINES OF PARCELS 1 TO 3.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND BELOW A DEPTH OF 1000 FEET UPON THE SURFACE OF SAID LAND, WITHOUT, HOWEVER, THE RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND OR 1000 FEET BELOW THE SURFACE OF SAID LAND, AS EXCEPTED BY THEODORE D. SHELDON, ET UX., IN DEED RECORDED FEBRUARY 10, 1965 AS INSTRUMENT NO. 4768 IN BOOK 2090, PAGE 1495 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

² 36 degrees, from R/S Bk.20 p.44

Remnant Portion of Land - PARCEL FOUR

(APN 035-480-039; AKA Lot 122 from Rogers Tract Map)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY END OF THAT CERTAIN COURSE IN PARCEL NO. 4, AS DESCRIBED IN THE DEED FROM HORACE E. ROGERS AND WIFE TO SANTA BARBARA COUNTY TITLE COMPANY, RECORDED IN BOOK 168, PAGE 175 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID COURSE BEING DESCRIBED IN SAID DEED AS HAVING A BEARING OF SOUTH 40° 03' EAST AND A LENGTH OF 125 FEET; THENCE SOUTHEASTERLY AND EASTERLY ALONG SAID CENTER LINE, BEING A CURVE CONCAVE TO THE NORTHEAST TANGENT TO THE LAST MENTIONED COURSE AND HAVING A RADIUS OF 110 FEET THROUGH A DELTA OF 70° 37' 10" A DISTANCE OF ~~135.68~~³ 135.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG SAID CURVE THROUGH A DELTA OF 27° 35' 30" A DISTANCE OF 52.97 FEET; THENCE SOUTH 20° 33' EAST ~~467.40~~⁴ 157.40 FEET; THENCE SOUTH 86° 27' WEST 52.97 FEET; THENCE NORTH 20° 40' 10" WEST 129.28 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS SHOWN AS LOT 122 ON MAP OF ROGERS TRACT RECORDED IN BOOK 20, PAGE 44 OF MAPS AND SURVEYS, RECORDS OF SAID COUNTY.

Remnant Portion of Land - PARCEL FIVE

(APN 035-480-040; AKA Lot 123 from Rogers Tract Map)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY END OF THAT CERTAIN COURSE IN PARCEL NO. FOUR AS DESCRIBED IN DEED FROM HORACE E. ROGERS, ET UX., TO SANTA BARBARA COUNTY TITLE COMPANY, RECORDED JUNE 19, 1929 AS INSTRUMENT NO. 7173, IN BOOK 188, PAGE 175 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; SAID COURSE BEING DESCRIBED IN SAID DEED AS HAVING A BEARING OF SOUTH 40° 03' EAST AND A LENGTH OF 125 FEET; THENCE SOUTHEASTERLY, ALONG THE CENTER LINE REFERRED TO IN SAID PARCEL FOUR, BEING A CURVE CONCAVE TO THE NORTHEAST TANGENT TO LAST MENTIONED COURSE, AND HAVING A RADIUS OF 110 FEET THROUGH A DELTA OF 52° 21' 10"⁵ ~~52° 22' 20"~~ A DISTANCE OF 100.51 FEET TO THE TRUE POINT OF BEGINNING OF THE DESCRIPTION OF THE

³ Typo corrected using Record delta from R/S, Bk.20 p.44

⁴ Typo corrected. 157.40 per R/S Bk.20 p.44

⁵ Minute and second correction from R/S Bk.20 p.44

LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18° 15' 50" A DISTANCE OF 35.07 FEET; THENCE SOUTH 20° 40' 10" EAST 129.28 FEET; THENCE SOUTH 86° 27' WEST 75.00 FEET; THENCE NORTH 2° 24' 20" WEST 118.73 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS SHOWN AS LOT 123 ON MAP OF THE ROGERS TRACT RECORDED IN BOOK 20, PAGE 44 OF MAPS AND SURVEYS, RECORDS OF SAID COUNTY.

Remnant Portion of Land - PARCEL SIX

(APN 035-480-041; AKA Lot 124 from Rogers Tract Map)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY END OF THAT CERTAIN COURSE IN PARCEL NO. FOUR AS DESCRIBED IN DEED FROM HORACE E. ROGERS, ET UX., TO SANTA BARBARA COUNTY TITLE COMPANY, RECORDED JUNE 19, 1929 AS INSTRUMENT NO. 7 173, IN BOOK 188, PAGE 175 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; SAID COURSE BEING DESCRIBED IN SAID DEED AS HAVING A BEARING OF SOUTH 40° 03' EAST AND A LENGTH OF 125 FEET; THENCE SOUTHEASTERLY, ALONG THE CENTER LINE REFERRED TO IN SAID PARCEL FOUR, BEING A CURVE CONCAVE TO THE NORTHEAST TANGENT TO LAST MENTIONED COURSE, AND HAVING A RADIUS OF 110 FEET THROUGH A DELTA OF 34° 19' A DISTANCE OF 65.88 FEET TO THE TRUE POINT OF BEGINNING OF THE DESCRIPTION OF THE LAND HEREIN DESCRIBED; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18° 02' 20" A DISTANCE OF 34.63 FEET; THENCE SOUTH 2° 24' 20" EAST 118.73 FEET; THENCE SOUTH 86° 27' WEST 75.00 FEET; THENCE NORTH 15° 38' EAST 132.13 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS SHOWN AS LOT 124 ON MAP OF THE ROGERS TRACT RECORDED IN BOOK 20, PAGE 44 OF MAPS AND SURVEYS, RECORDS OF SAID COUNTY.

Together with a Road Easement

AN EASEMENT FOR A PRIVATE ROADWAY OVER, ALONG AND ACROSS THOSE CERTAIN STRIPS OR PARCELS OF LAND DESCRIBED AS PARCELS 1 TO 7, INCLUSIVE, IN SAID DEED FROM HORACE E. ROGERS AND WIFE, TO SANTA BARBARA COUNTY TITLE COMPANY. RECORDED JUNE 9, 1929 AS INSTRUMENT NO. 7173 IN BOOK 188, PAGE 175 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ANY PORTION OF SAID STRIPS OR PARCELS INCLUDED WITHIN THE LINES OF PARCELS B – ONE, B- TWO, AND B – THREE ABOVE DESCRIBED.

C. The Real Property is subject to the following Notices of Violation recorded on December 5, 1979, as Instrument Nos. 79-57167 (Lots 117, 118 & 121); 79-57195 (lots 122 & 124) and, 81-23962 (Lot 123), of Official Records of said County.

D. Pursuant to California Government Code Section 66499.35, in response to written application and request by the Owners of the Real Property, this Conditional Certificate of Compliance is issued by the City Engineer of the City of Santa Barbara, and recorded in the Official Records of said County.

E. This Conditional Certificate of Compliance is issued for the Real Property identified in Recital A.

F. This Conditional Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcels described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted thereto. Development of the Real Property may require the issuance of a permit or permits, or other grant or grants of approval.

G. This Conditional Certificate of Compliance is issued by the City of Santa Barbara and recorded in the Official Records of Santa Barbara County to give constructive notice of the conditions that must be fulfilled or implemented prior to the issuance of any permit or other grant of approval for the development of any parcel of the Real Property.

H. Prior to the issuance of any permit or other grant of approval for the development of any parcel of the Real Property, the following specific conditions shall be fulfilled or implemented as to such parcel:

1. ZONING REQUIREMENTS:

The Real Property shall be combined or added to (by lot line adjustment, voluntary merger, or other process recognized by the City of Santa Barbara) as necessary to comply with the requirements of the E-1 Zone for a newly created lot, as such requirements existed on the date of Owners' acquisition of each parcel of Real Property, including minimum lot area of 45,000 square feet for a lot with an average slope in excess of 30% and not less than 90 feet of frontage on a public street.

2. PUBLIC STREET REQUIREMENTS:

As determined by the City Public Works Department, the public street improvements shall include, but not be limited to, new alley entrance; replace curb gutter and sidewalk where damaged; street light with underground wiring; appropriate directional and regulatory traffic control devices per MUTCD w/CA supplements; connection to City sewer and water, adequate drainage and storm drain improvements; and slurry seal or other required repair of existing public street as identified by Public Works. The improvement plans shall be prepared by a registered Civil Engineer in a form to be reviewed and approved by the

Santa Barbara City Engineer.

3. ASSIGNMENT OF WATER EXTRACTION RIGHTS:

The Owner of the Real Property shall execute and submit an Agreement Relating to the Assignment of Water Extraction Rights, in a form approved by the City Attorney, irrevocably offering to dedicate and assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property, which may be subsequently accepted by the City Council of the City of Santa Barbara by adoption of a resolution of the Council and the subsequent recordation of the resolution in the Official Records of the County of Santa Barbara.

I. Compliance with the foregoing conditions by the Owners of the Real Property described herein shall not be required until such time as a permit or other grant of approval for development of the Real Property is issued by the City of Santa Barbara.

J. All permits of the City of Santa Barbara needed by the Owners of the Real Property described herein for the development of improvements, including any development of improvements to implement any of the above conditions, and permits and other grants of approval for the development of the real property in the future shall be subject to the conditions listed above.

Continued next page

NOTICE:

~~The Real Property described herein may be difficult to conform to current development standards given the limited lot area and slope of the real property. Hillside development is carefully regulated in the City; there are General Plan policies and design guidelines that need to be considered if development is proposed in the future.~~ **The City's Master Environmental Assessment (MEA) Maps indicate that the property is in an area of high erosion potential and that the Lavigia Fault Zone is in the vicinity of the property. Development of the Real Property described herein and adjacent parcels is expected to be limited due to these constraints; the City may require technical studies in order to assess development potential and to address hazards related to such development.**

FUTURE DEVELOPMENT:

Future development will be subject to the standards in effect at the time of review. Any application will require identification of minimum building and development envelopes, location of utility lines/connections, and vehicular access to the site. How these standards will apply to the development of the Real Property will vary depending on when and what type of development is proposed on the site.

NOW, THEREFORE, the City of Santa Barbara and Owners hereby declare as follows:

1. This Conditional Certificate of Compliance shall be recorded in the Official Records of the County of Santa Barbara to run with the land and to serve as constructive notice to the Owners, and to any subsequent vendees, grantees, heirs, transferees or assignees of the real property, of the conditions that shall be that fulfilled and implemented prior to any subsequent issuance of City permits or other grants of approval for development of any parcel of the Real Property.

2. The conditions described above in Recital G shall be fulfilled and implemented prior to the issuance of a permit or other approval for the development of any parcel of the Real Property.

Continued next page

3. This Conditional Certificate of Compliance is for the benefit of and runs with the Real Property, it is an instrument affecting the title and possession of the Real Property, and it shall be binding upon the successors in interest of Owners.

OWNERS
By Sharon Lynn Clenet TEE
Sharon Lynn Clenet, Trustee

By Sharon Lynn Clenet mgr.
Sharon Lynn Clenet
Managing Member of Gathercole, LLC

MAILING ADDRESS:
1211 Harbor Hills Drive
Santa Barbara, CA 93105
(805) 965-3466

CITY CERTIFICATE

The City of Santa Barbara, acting through its City Engineer, hereby issues this Conditional Certificate of Compliance and consents to its recordation in the Official Records of Santa Barbara County.

By: Pat Kelly
City Engineer
RCE No. 27077 Exp. 3/31/11



[Seal]

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF Santa Barbara)

On 5/20/09, before me, Angeie Chen, a Notary Public,
personally appeared Sharon Chenet

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

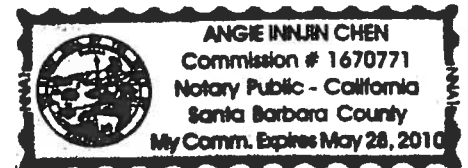
Witness my hand and official seal.

Signature Angeie Chen

Printed Angeie

My Commission Expires 5/28/10

Principal office Located in County of Santa Barbara



[Seal]

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF Santa Barbara)

On 5/20/09, before me, Angeie Chen, a Notary Public,
personally appeared Sharon Chenet

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

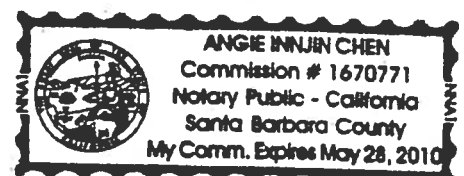
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

Witness my hand and official seal.

Signature Angeie Injun Chen
Printed Angeie Injun Chen

My Commission Expires 5/28/10

Principal office Located in County of Santa Barbara



[Seal]

MOTION: Thompson/Jacobs

Assigned Resolution No. 021-08

To uphold the appeal and approve the modification as requested.

This motion carried by the following vote:

Ayes: 5 Noes: 2 (Bartlett/Jostes) Abstain: 0 Absent: 0

Chair Myers announced the ten calendar day appeal period.

V. CONCEPT REVIEW:

ACTUAL TIME: 5:14 P.M.

APPLICATION OF MIKE GONES, AGENT FOR SHARON CLENET-PURPERO AND ANTHONY PURPERO, 1213 HARBOR HILLS DRIVE, 035-480-037, 035-480-038, 035-480-039, 035-480-040, 035-480-041, E-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2005-00492)

The proposed project involves the subdivision of eight vacant parcels into two single family residential lots. The existing parcels are located in a portion of the Rogers Tract known to be subdivided in violation of the Subdivision Map Act. The average slope of the site is 41%. The areas of the proposed lots would be 30,261 square feet and 33,961 square feet. The proposal also includes conceptual development of driveways and single family residences on each proposed lot.

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the applicant and staff with feedback and direction regarding the proposed land use and design. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.** Upon review and formal action on the application for the development proposal, the proposed project would likely require the following discretionary applications:

1. Tentative Subdivision Map to allow the subdivision of eight Rogers Tract parcels into two lots (SBMC Chapter 27.07);
2. Lot Area Modifications to allow the creation of two lots with areas less than the required 45,000 square feet (SBMC § 28.92.110);
3. Street Frontage Modifications to allow less than the required 90 feet of street frontage on each proposed lot (SBMC § 28.92.110);
4. Public Street Frontage Waivers to allow the creation of lots with no street frontage (SBMC §22.60.300); and
5. Design Review Approvals by the Single Family Design Board with Neighborhood Preservation Ordinance and Sloped Lot findings (SBMC §22.69.050).

Case Planner: Daniel Gullett, Associate Planner

Email: dgullett@santabarbaraca.gov

RECUSALS: To avoid any actual or perceived conflict of interest Commissioner Bruce Bartlett recused himself due to his firm working with the Applicant.

Daniel Gullett, Associate Planner, gave the Staff presentation.

Mike Gones, Civil Engineer/Agent; Mark Shields, Architect; and Kathy Weinheimer, Legal Counsel, gave the applicant presentation.

Chair Myers opened the public hearing at 5:47 p.m. and, as no one else wished to speak, the public hearing was closed.

The Commission made the following comments:

1. The majority of the Commission would not be able to support modifications of the slope density requirements. Lot area modification findings could not be made.
2. A project with a single house on the site would be supportable.
3. Concerned that the maintenance of down slopes would be inadequate and that the unmaintained slopes would be very visible to the community and could become hazardous.
4. Not concerned with street frontage waiver.
5. Would like to see another way to accomplish project. The proposed siting of the houses could work. Compatibility with neighborhood and appropriate design must be considered.
6. The trail issue should be addressed in the future.

~~VI. **ADMINISTRATIVE AGENDA**~~

1. Committee and Liaison Reports.
 1. Commissioner Thompson reported that he attended the Coast Village Business Association town meeting regarding their ideas for the future of Coast Village Road. It was not well attended by the community. A report will be prepared that they agreed to submit to the City Planning Staff.
 2. Commissioner Larson and Myers reported on the Tri-County Energy Summit. It was a well-attended, productive, interesting, and informative meeting. The summit addressed regional problems, such as transportation, peak oil, and water. Discussed was the need to continue to educate the public and community leaders on issues of sustainability in order to achieve a more sustainable community.
 3. Commissioner Myers reported on the Coalition for Community Wellness at Sansum Clinic. A presentation was given by the Riverside County Public Health Department regarding the coupling of public health and land use policy decision-making. It was interesting to note the role that public health is beginning to play in the general plan process.

Chair Bartlett voiced appreciation for his nomination and appointment and welcomed new Commissioners Deborah L. Schwartz and Mike Jordan.

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- C. Announcements and appeals.

Mr. Kato made the following announcements:

1. Mr. Kato announced that the Planning Commission's decision on 3714-3744 State Street (Sandman Inn Project) was appealed to City Council and is scheduled to be heard on March 9, 2010.
2. Commissioner Jostes announced that he will be presenting a colloquium on climate adaptation at the Bren School of Environmental Science and Management at UCSB on Wednesday, January 27, 2010.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Bartlett opened the public hearing at 1:13 P.M. and, with no one wishing to speak, closed the public comment.

III. JOINT PLANNING COMMISSION AND STAFF HEARING OFFICER CONCEPT REVIEW:

ACTUAL TIME: 1:13 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to having been directly involved at one time with the project plans.

Commissioner Barlett left the dais at 1:14 P.M. Vice Chair Jostes continued the meeting.

APPLICATION OF MIKE GONES, AGENT FOR SHARON CLENET, 1213 HARBOR HILLS DRIVE, 035-480-037 (PORTION), 035-480-039, 035-480-040, 035-480-041, E-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2009-00385)

The purpose of this concept review is to receive feedback and direction from the Planning Commission and Staff Hearing Officer on requested modifications prior to continued processing of the pending application. Approval of the requested modifications would allow for the development of a single-family residence on the property. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

Upon review and formal action on the application for the development proposal, the proposed project requires the following discretionary applications:

1. A Lot Area Modification to provide 44,479 sf where 45,000 sf is required (SBMC §28.15.080 & 28.92.110); and
2. A Street Frontage Modification to provide approximately 15 ft of public street frontage where 90 ft is required (SBMC §28.15.080 & 28.92.110).

Case Planner: Daniel Gullett, Associate Planner

Email: DGullett@SantaBarbaraCA.gov

Daniel Gullett, Associate Planner was joined by Victoria Johnson, Project Engineer, in giving the Staff presentation.

Kathleen Weinheimer represented the Applicant in giving the Applicant's presentation.

A majority of Commissioners stated that they could not support the Lot Area Modification because they could not make the findings for approval. The Commission was split on the Street Frontage Modification with concern remaining for the slope of the lot; some Commissioners could support it in the future with a reduced size residence because of the visibility of the site and the steep topography of the hillside.

Commissioner Stella Larson left the dais at 2:32 P.M, while Chair Bartlett returned to the dais.

IV. DISCUSSION ITEM:

ACTUAL TIME: 2:33P.M.

PLANNING COMMISSION'S REVIEW OF STAFF HEARING OFFICER ACTIONS.

A discussion with the Staff Hearing Officer and Planning Commission regarding the Staff Hearing Officer review process over the last year and a half.

Case Planner: Susie Reardon,

Email: SReardon@SantaBarbaraCA.gov

Ms. Reardon provided the Staff presentation.

The Commission expressed confidence in the decisions made by the Staff Hearing Officer and stated that a report to the Commission every other year was sufficient, unless a significant deviation in decisions made by the Planning Commission and Staff Hearing officer were to be found.

1213 Harbor Hills

Permitted Surrounding Development

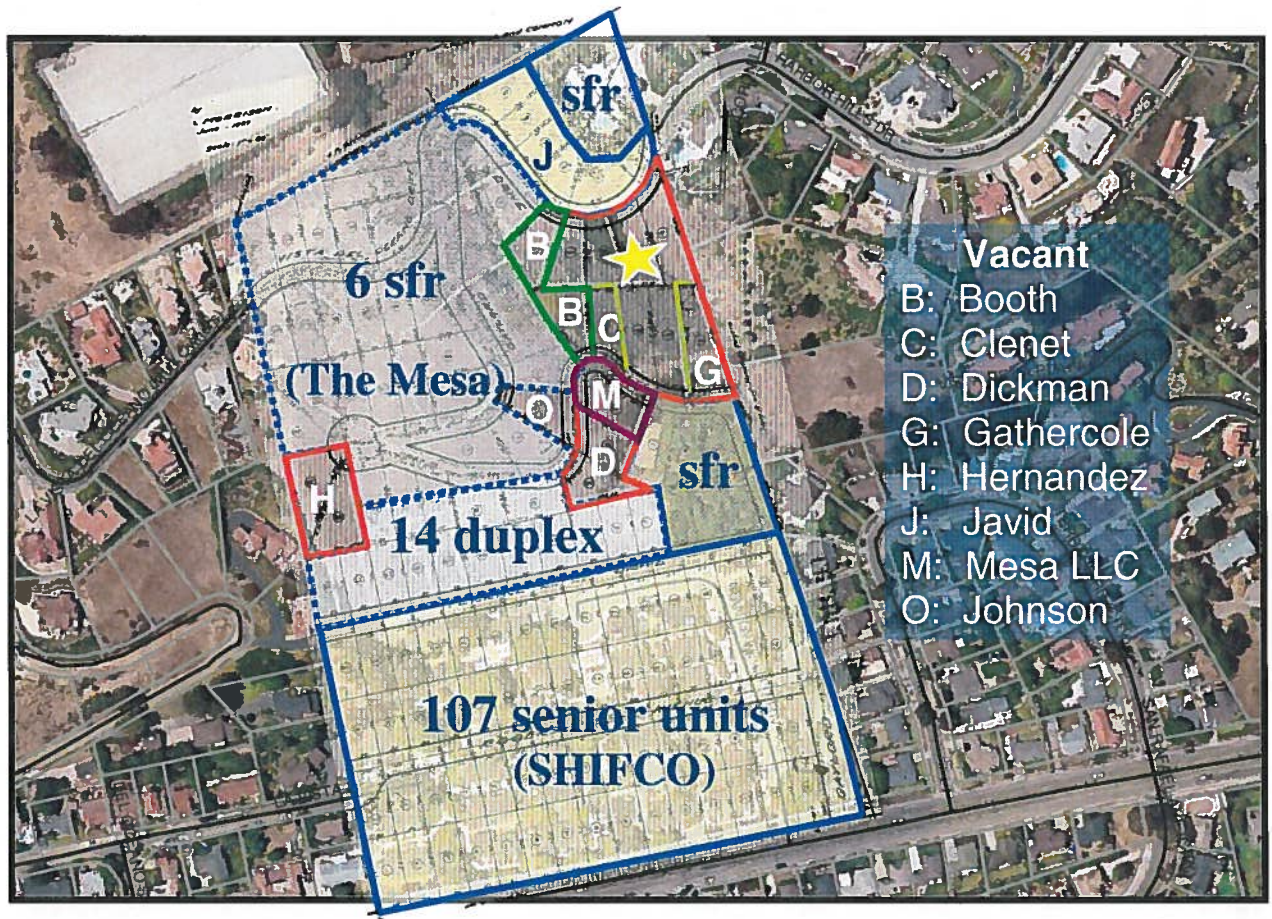
1218 Harbor Hills (1989) – Single-family residence on a parcel created by a merger of five Rogers Tract parcels that resulted in a 31,163 sq. ft. lot (16.6% slope) that met the lot area requirement of the E-1 Zone (22,500 sf required).

1218 and 1224 Harbor Hills Drive (2005) – The Javid lot line adjustment approved by Planning Commission resulted in two parcels that were more sensibly laid out and included a building envelope that reduced visual impacts. The adjusted area for 1218 Harbor Hills was 30,000 sq. ft. with an average slope of 18%, in compliance with the lot area requirement. The 1224 Harbor Hills lot was made more conforming to lot area requirement to the E-1 requirement of 45,000 sq. ft., as the existing, 26,686 sf (39.3% slope) lot was increased in size to 27,767 sf (36.3% slope). The reconfigured 1224 Harbor Hills lot allowed future development to be placed in an area better suited for development. Additionally, the approval included dedication of a trail easement connecting with the trail easement required for The Mesa at Santa Barbara project discussed below.

The Mesa (2004) – The Mesa, which included 50 underlying lots from the 1929 survey, was approved by the Planning Commission on November 8, 2004 and is currently under construction. That project includes two components: 14 condominium units in seven duplexes on an 84,006 sq. ft. site (37% slope); and six single-family residential lots with the following lot sizes and slopes: 16,370 sq. ft. (17%); 43,738 sq. ft. (43%); 45,049 sq. ft. (49%); 45,143 sq. ft. (40%); 45,064 sq. ft. (37%); 45,023 sq. ft. (47%).

The single family residential portion of The Mesa development included lot area modifications on Lots 1 and 2. The Mesa Lot 1 is 16,370 sq. ft. (22,500 gross sq. ft., 17% slope) with a required E-1 slope density area of 22,500 sq. ft. The Mesa Lot 2 was 43,738 sq. ft. net (45,426 gross sq. ft., 43% slope) with a required E-1 slope density area of 45,000 sq. ft. The project would have met the E-1 slope density requirements if the net areas of Lots 1 and 2 included the area of the La Vista del Oceano Drive cul de sac dedicated as public right of way. In addition, the single family residential portion of the The Mesa almost entirely avoided the siting of buildings on slopes greater than 30%. Finally, the Commission and staff supported this project because it resolved the legal issues for the majority of the lots in the Rogers Tract.

Vacant Parcel Ownership



1213 Harbor Hills Drive
Applicable General Plan Policies

Conservation Element

Visual Resources Goal – “Prevent the scarring of hillside areas by inappropriate development.”

Visual Resources Policy 2.0 – “Development on hillsides shall not significantly modify the natural topography and vegetation.”

Visual Resources Strategy 2.1 – “Development which necessitates grading on hillsides with slopes greater than 30% should not be permitted.”

Visual Resources Strategy 2.3 – Use of native or naturalized and fire retardant vegetation should be encouraged for landscaping on major cut and fill slopes where development occurs on hillsides.

Visual Resources Strategy 2.3 – All development on hillsides should be required to landscape the downslope side so as to hide or break up large surface area views of structures facing down slope.

Visual Resources Goal – “Protect and enhance the scenic character of the City.”

Visual Resources Policy 3.0 – “New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.”

Visual Resources Goal – “Protect significant open space areas from the type of development which would degrade the City’s visual resources.”

Visual Resources Policy 5.0 – “Significant open space areas should be protected to preserve the City’s visual resources from degradation.”

Biological Resources Goal – “Enhance and preserve the City’s critical ecological resources in order to provide a high-quality environment necessary to sustain the City’s ecosystem.”

Biological Resources Policy 4.0 – “Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible.”

Biological Resources Policy 5.0 – “The habitats of rare and endangered species shall be preserved.

Housing Element

Policy 3.3: New development in or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.